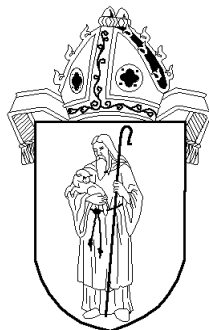


**CONSTITUTION AND CANONS  
OF THE DIOCESE OF BRISBANE**



Calamus muelleri  
lawyer vine

**CONSTITUTION  
AND CANONS  
OF THE  
DIOCESE OF BRISBANE**



**The Corporation of the Synod of the Diocese of Brisbane  
Brisbane 2003**

Anglican Church of Australia – Diocese of Brisbane

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Anglican Church of Australia - Diocese of Brisbane

## **CONSOLIDATING CANON 1990**

**A Canon to revise and consolidate all the Canons of the Diocese of Brisbane.**

### **Preamble**

Be it declared and established by the Archbishop, Clergy and Laity of the Diocese of Brisbane in Synod assembled as follows -

### **Short Title**

1. This Canon may be cited as the "Consolidating Canon 1990".

### **Commencement**

2. This Canon shall commence and take effect on the day on which it shall be assented to by the Archbishop.

### **"Canon" includes Constitution**

3. In the construction of this Canon the word "Canon" shall include Constitution when the context admits or requires.

### **Repealed Enactments**

4. All Canons in force prior to the commencement of this Canon are hereby repealed, and in particular those Canons mentioned in Schedule 1 of this Canon.

### **Effect of repeals**

5. The repeal of any Canon by this Canon shall not -
  - (a) affect any appointment regulation order power licence or authority made exercised or given by such repealed Canon, or
  - (b) revive anything not in force or existing at the time at which such repeal takes effect, or
  - (c) affect the previous operation of any Canon so repealed or anything duly done or suffered under any Canon so repealed, or

- (d) affect any right privilege obligation or liability acquired accrued or incurred under any Canon so repealed, or
- (e) affect any penalty forfeiture or punishment incurred in respect of any ecclesiastical offence committed against any Canon so repealed, or
- (f) affect any investigation proceeding or remedy in respect of any such right privilege obligation liability penalty forfeiture or punishment aforesaid.

### Consolidated Canons

6. (1) The Canons set forth in Schedule 2 of this Canon are and are hereby declared and established to be Consolidated Canons embodying all the Canons in force in the Diocese of Brisbane on the day on which this Canon commences and takes effect.
- (2) Such Consolidated Canons at and from their commencement respectively shall unless and until other provision be made by and in accordance with the Constitution or with any of such Consolidated Canons apply severally to the persons things and circumstances appointed or created by or existing under the Canons hereby repealed, and all such persons and things and circumstances shall continue unless and until other provision be made as aforesaid to have the same status operation and effect as they respectively had under the Canons hereby repealed and the provisions of the said Consolidated Canons shall respectively apply and be construed to apply to such persons things and circumstances respectively as if the corresponding provisions of the said Canons hereby repealed had not been so repealed.

## SCHEDULE 1

[Section 4]

### Part A

<i>Year When Passed</i>	<i>Title of Canon</i>
1910	The Consolidating Canon of 1910
1910	Constitution
1910	The Canon Interpretation Canon
1910	General Synod Determination Canon
1910	The Archbishop Election (Committee) Canon
1910	The Archbishop's Prerogative Canon
1910	The Synod Canon
1910	The Diocesan Council Canon
1910	The Benefices Avoidance Canon
1910	The Non-Beneficed Clergy Canon
1910	The Marriage Licence Canon
1910	The Private Cemeteries Canon
1910	The Church Institutions Canon

- 1911 The Synod Canon Amendment Canon 1911  
1915 The Fire Insurance Canon of 1915  
1919 The Fire Insurance Canon of 1915 Amendment Canon 1919  
1931 The Clergy Superannuation and Widows and Orphans Canon of 1931  
1932 The Synod Canon Amendment Canon 1932  
1932 The Constitution Amendment Canon of 1932  
1935 The Fire Insurance Canon Amendment Canon of 1935  
1939 The Control and Management of Church Schools Canon 1939  
1941 The Clergy Superannuation and Widows and Orphans Canon Amendment Canon of 1941  
1945 The Property and Finance Canon of 1945  
1945 The Marriage License Canon Amendment Canon of 1945  
1945 The Clergy Superannuation and Widows and Orphans Canon of 1931 Amendment Canon of 1945  
1946 The Church Institutions Amendment Canon of 1946  
1947 The Diocesan Council Canon Amendment Canon of 1947  
1947 The Clergy Superannuation and Widows and Orphans Amendment Canon of 1947  
1951 The Clergy Superannuation and Widows and Orphans Amendment Canon of 1951  
1953 The Clergy Superannuation and Widows and Orphans Amendment Canon of 1953  
1954 The Clergy Superannuation and Widows and Orphans Amendment Canon of 1954  
1954 The Synod Canon Amendment Canon 1954  
1955 The Synod Canon Amendment Canon 1955  
1956 The Clergy Superannuation and Widows and Orphans Canon Amendment Canon of 1956  
1956 The Church of England in Australia Constitution Assenting Canon, 1956  
1958 The Clergy Superannuation and Widows and Orphans Canon Amendment Canon of 1958  
1963 The Non-Beneficed Clergy Canon Amendment Canon of 1963  
1963 The Synod Canon Amendment Canon of 1963  
1964 The Clergy Superannuation and Widows and Orphans Canon Amendment Canon of 1964  
1965 The Clergy Superannuation and Widows and Orphans Canon Amendment Canon of 1965  
1965 The Marriage Licence Canon Amendment Canon of 1965  
1966 The Property and Finance Canon Amendment Canon of 1966  
1967 The Canon Interpretation Canon Amendment Canon of 1967  
1967 The Synod Canon Amendment Canon of 1967  
1967 The General Synod Representatives Canon of 1967  
1967 The Provincial Synod Representatives Canon of 1967  
1967 The Canons of General Synod Acceptance Canon of 1967  
1968 The St. John's College Constitution Canon of 1968  
1968 The Long Service Leave Canon of 1968  
1969 The Assistant Bishops Canon of 1969  
1969 The Clergy Superannuation and Widows and Orphans Canon Amendment Canon of 1969  
1970 The Synod Canon Amendment Canon of 1970  
1970 The Canons of General Synod Acceptance Canon of 1970  
1971 The Synod Canon Amendment Canon of 1971  
1971 The Diocesan Council Canon Amendment Canon of 1971  
1971 Tribunal Canon of 1971  
1971 The Benefices Avoidance Canon Amendment Canon of 1971  
1972 The Tribunal Canon Amendment Canon of 1972  
1972 The Archbishop Election (Committee) Amendment Canon of 1972  
1972 The Provincial Synod Constitution Amendment Assenting Canon of 1972  
1972 The Clergy Superannuation and Widows and Orphans Canon Amendment Canon of 1972  
1972 The St. Francis' College Constitution Canon of 1972  
1973 The Clergy Superannuation and Widows and Orphans Canon Amendment Canon of 1973

- 1974 The Constitution Amendment Canon of 1974  
1974 The Archbishop's Prerogative Canon Amendment Canon of 1974  
1974 The Canons of General Synod Acceptance Canon of 1974  
1974 The Clergy Superannuation and Widows and Orphans Canon Amendment Canon of 1974  
1976 The Clergy Superannuation and Widows and Orphans Canon Amendment Canon of 1976  
1977 The Clergy Superannuation and Widows and Orphans Canon Amendment Canon of 1977  
1977 The Provincial Synod Constitution Amendment Assenting Canon of 1977  
1977 The Canon of General Synod Acceptance Canon of 1977  
1977 Australian Prayer Book Regulation Canon of 1977  
1978 The Clergy Superannuation and Widows and Orphans Canon Amendment Canon of 1978  
1978 The Diocesan Development Investment Fund Canon of 1978  
1978 The Canons of General Synod Acceptance Canon of 1978  
1978 The Synod Canon Amendment Canon of 1978  
1979 The Board of Diocesan Mission and Service Canon of 1979  
1979 The Clergy Superannuation and Widows and Orphans Canon Amendment Canon of 1979  
1980 The Provincial Synod Constitution Amendment Assenting Canon of 1980  
1980 Fire Insurance Canon Amendment Canon of 1980  
1980 The Clergy Superannuation and Widows and Orphans Canon Amendment Canon of 1980  
1980 The Anglican Foundation for Disabled and Aged Persons Constitution Canon of 1980  
1981 The Financial Year Canon of 1981  
1982 The Synod Canon Amendment Canon of 1982  
1982 The Archbishop Election (Committee) Canon Amendment Canon, 1982  
1982 The General Synod "Solemnisation of Matrimony Canon 1981" Acceptance Canon of 1982  
1982 The General Synod "The Ministry to the Sick Canon 1981" Acceptance Canon of 1982  
1982 The General Synod "Matrimony (Prohibited Relationships) Canon 1981" Acceptance Canon of 1982  
1982 The General Synod "Canon to alter the Constitution of the Anglican Church of Australia with respect to the mode of appointment of the Appellate Tribunal" Acceptance Canon of 1982  
1982 The General Synod "Offences Amendment Canon 1981" Acceptance Canon of 1982  
1982 The Tribunal Canon Amendment Canon, 1982  
1983 The General Synod "Bill to Alter the Constitution of the Anglican Church of Australia with respect to the ordination of Women" Assenting Canon of 1983  
1983 The Provincial Synod Constitution Amendment Assenting Canon of 1983  
1983 Parish Contributions Canon of 1983  
1983 Cathedral Canon of 1983  
1983 Cathedral Congregation Regulation Canon of 1983  
1983 The Canon Interpretation Canon and other Canons Amendment Canon 1983  
1983 The Clergy Superannuation and Widows and Orphans Canon Amendment Canon of 1983  
1984 The Clergy Superannuation and Widows and Orphans Canon Amendment Canon, 1984  
1985 The Canon Interpretation Canon Amendment Canon 1985  
1985 The Synod Canon Amendment Canon 1985  
1985 Parish Contributions Canon Amendment Canon, 1985  
1985 Age Qualification and Retirement Canon, 1985  
1985 St. John's College Constitution Canon Amendment Canon, 1985  
1985 The Clergy Superannuation and Widows and Orphans Canon Amendment Canon No. 1, 1985  
1985 Youth Synod Canon, 1985  
1985 The Clergy Superannuation and Widows and Orphans Canon Amendment Canon No. 2, 1985  
1986 The Clergy Superannuation and Widows and Orphans Canon Amendment Canon of 1986  
1986 The Anglican Foundation for Disabled and Aged Persons Constitution Canon Amendment Canon of 1986  
1986 The Social Issues Committee Canon, 1986

1986	The Canon of General Synod Adopting Canon (No.1), 1986
1986	The Canon of General Synod Adopting Canon (No.2), 1986
1986	The Canon of General Synod Adopting Canon (No.3), 1986
1986	The Canon of General Synod Adopting Canon (No.4), 1986
1986	The Canon of General Synod Adopting Canon (No.5), 1986
1986	The Canon of General Synod Adopting Canon (No.7), 1986
1986	The Canon of General Synod Adopting Canon (No.8), 1986
1986	The Canon and the Bill for a Canon to alter the Constitution of the Anglican Church of Australia Assenting Canon (No.1), 1986
1986	The Canon and the Bill for a Canon to alter the Constitution of the Anglican Church of Australia Assenting Canon (No.2), 1986
1987	The Clergy Superannuation and Widows and Orphans Canon Amendment Canon 1987
1987	The Canon of General Synod Adopting Canon 1987
1988	The Canon of General Synod Adopting Canon, 1988
1988	The Canon and the Bill for a Canon to alter the Constitution of the Anglican Church of Australia Assenting Canon, 1988
1988	The Clergy Superannuation and Widows and Orphans Canon Amendment Canon 1988
1989	The Clergy Superannuation and Widows and Orphans Canon Amendment Canon 1989
1989	The Anglican Foundation for Disabled and Aged Persons Constitution Canon 1980-1986 Amendment Canon 1989
1989	The Parishes Regulation Canon 1989
1989	The Archbishop Election Canon Amendment Canon 1989

**Part B**

<i>Year When Passed</i>	<i>Title of Canon</i>
1921	The Special Offertories Canon Amendment Canon 1921
1924	The Assessment Canon Amendment Canon 1924
1927	The Church of England in Australia Constitution Assenting Canon 1927
1929	The Catechist Provident Canon Amendment Canon 1929
1929	The Church of England in Australia Constitution Assenting Canon 1928 Repealing Canon 1929
1932	The Canons Amendment Canon of 1932.
1941	The Special Offertories Canon Amendment Canon 1941
1941	The Catechists Provident Canon Repealing Canon of 1941
1947	The Determinations of General Synod Acceptance Canon of 1947
1947	The Church of England in Australia Constitution Assenting Canon, 1947
1949	The Cathedral Canon Amendment Canon of 1949
1953	The Determinations of General Synod Acceptance Canon of 1953
1956	The Determinations of General Synod Acceptance Canon of 1956
1958	The Bush Brotherhood Parochial Districts Canon
1958	The Bush Brotherhood of St. Paul Constitution Canon
1963	The Assessment Canon Amendment Canon of 1963
1966	The Cathedral Canon Amendment Canon of 1966
1968	The Cathedral Canon Amendment Canon of 1968
1971	The Cathedral Canon Amendment Canon of 1971
1972	The Cathedral Canon Amendment Canon of 1973
1974	The General Synod "Marriage of Divorced Persons Canon 1973" Acceptance Canon of 1974

- 1979 Assessment Canon Amendment Canon of 1979
- 1979 The Cathedral Canon Amendment Canon of 1979
- 1982 The General Synod "Marriage of Divorced Persons Canon 1981" Acceptance Canon of 1982
- 1983 The General Synod "Canon for the admission of children to Holy Communion Canon 1981" Assenting Canon of 1983
- 1983 The General Synod "Reception Canon 1981" Assenting Canon of 1983

**SCHEDULE 2**

[Section 6]

The Constitution, as set out hereunder.

The several Canons, as set out hereunder.

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Anglican Church of Australia - Diocese of Brisbane

## **CONSTITUTION**

### **Title**

1. The Constitution for associating together as a branch of the Anglican Church of Australia, the members of the said Church resident in the Diocese of Brisbane, agreed to at a Synod of the Bishop the Clergy and the Laity of the United Church of England and Ireland assembled in the city of Brisbane on 18 June 1868 and from time to time amended.

**In the name of the Father, and of the Son,  
and of the Holy Spirit. Amen.**

### **Declaration of doctrine**

2. The branch of the Anglican Church of Australia in the Diocese of Brisbane holds and maintains the doctrine and sacraments of Christ, as the Lord has commanded, and as the Anglican Church of Australia receives the same and has more particularly declared them in the Fundamental Declarations and in the Ruling Principles in force from time to time of the Constitution of the said Church; and the Synod shall also hold and maintain the same.

### **Provision for interpretation and meaning**

3. In case any manner of question or dispute shall arise, as touching the interpretation or meaning of the aforementioned matters, such question or dispute shall be decided in conformity with any relevant opinion, finding, report or determination of the Appellate Tribunal of the Anglican Church of Australia, and in the absence of any such opinion, finding, report or determination, in conformity with judgments, orders, and decrees relative thereto, given or made in any ecclesiastical court, or any court of law, in Great Britain, or any Judicial Committee of the Privy Council.

### **Constitution of Synod**

4. There shall be a governing body for the management of the affairs of the said Church, to be called the Synod of the Diocese of Brisbane, which Synod shall consist of three distinct houses, viz: the Archbishop, the Clergy, and the Laity; the consent of all of which houses, by their majorities, shall be necessary to all acts binding upon the Synod, and upon all persons recognising its authority.

### **New elections**

5. The Synod shall, from time to time, determine at what periods new elections of synod representatives shall be made.

**Standard of qualification**

6. It shall be lawful for the Synod to fix the standard of qualification, for the purpose of determining what persons are admissible to take part in the election of Lay representatives, and also to declare what qualifications shall be required of the persons so to be elected as Lay representatives.

**Incompetent persons**

7. No person shall be permitted to take part in the proceedings of the Synod or of any Committee thereof or to hold any office whether honorary or for emolument who shall have been declared incompetent to do so pursuant to the provisions of any Canon or who shall have neglected or declined to sign the appropriate Declaration required by this Constitution as set out hereafter.

**Patronage**

8. The Synod shall have full power to determine how and by whom all patronage shall be exercised, and in what manner, and on what conditions, every person in Holy Orders, Trustee, Lay Reader, Churchwarden, School Principal, or other office bearer or agent, whether clerical or lay, shall enter upon the use and occupation of any portion of the Church property held in trust under the provisions of these presents, and in what manner and upon what conditions all such office bearers, whether clerical or lay, shall receive their respective appointments; and the Synod shall have full power to fix the amount of all salaries, dues, fees, or other emoluments, payable to any person out of the proceeds of any property held by or in trust for the said Synod.

**Officers to be removed by the Synod**

9.
  - (1) Subject to the provisions of any canons which may apply, all persons in Holy Orders, Trustees, Churchwardens, School Principals, Lay Readers, or other office bearers or agents, who shall be so appointed, or who shall receive any income or emolument from or out of the said trust property, and all office bearers who, whether receiving any emolument therefrom or not, shall have consented to hold their appointment under and in conformity with the provisions of these presents, shall be liable to be deposed, removed, or suspended from their respective appointments by the Synod, if from any cause whatever the Synod shall deem it expedient and proper to exercise such power.
  - (2) Whenever any person in Holy Orders, Trustee, Lay Reader, Churchwarden, School Principal, or other office bearer or agent, whether clerical or lay, shall be deposed, removed or suspended from such an appointment, that person shall ipso facto cease to have or exercise such function or office under the provisions of these presents, and shall be absolutely deprived of all rights, emoluments, stipend, or salary, to which by virtue of such appointment the person would thereafter have been entitled, but for such deposition, removal, or suspension; and shall forthwith deliver up to the Synod, or to Trustees appointed by them, all such trust property, and all such deeds, books, papers, money, and effects, belonging or relating thereto, as may then be in the person's occupation, possession, or power.



**Persons holding Church property to render account**

10. The Synod may call upon any person holding property belonging to the Church in the Diocese, or in any parish thereof, or in which the Church or any such parish is in any manner interested, to render a full account of all such property, and of the manner in which the same and every part thereof is applied and disposed of.

**Synod to frame regulations**

11. It shall be lawful for the Synod to frame such regulations as shall be found necessary, from time to time, for the management and disposal of all Church property, moneys, revenues, and collections, not diverting any specifically appropriated, or the subject of any specific trust, nor interfering with any vested rights, and for the government of all persons holding office under, or receiving emolument from, the Synod, and generally to make all such regulations as shall be necessary for the order, good government, and efficiency of the said Branch of the Anglican Church of Australia.

**Diocesan Council**

12. It shall be lawful for the Synod to appoint a Diocesan Council, to act as a Council to the Archbishop, and to assist and advise him in conducting the business of the Synod at such times as it shall not be sitting.

**Council to report to Synod**

13. The Diocesan Council shall bring up a report of their proceedings at the commencement of each session of the Synod.

**Delegation by Synod of powers**

14. (1) It shall be lawful for the Synod to delegate to any Standing or other Committee or to any Board or Commission either specifically as the case may require or under such regulations as shall be laid down by the Synod all or any of the powers conferred upon the Synod by the Constitution or any Canon of the Synod excepting always any powers conferred upon the Synod by this Constitution in respect of the constitution of the Synod and of determining at what periods new elections of synod representatives shall be made.
- (2) All acts done by virtue of such delegated authority shall be submitted to the next session of the Synod for ratification except where such authority has been exercised by the Archbishop-in-Council and except where it may be otherwise directed by Canon.

**Conditions under which property to be held**

15. All property now vested in or hereafter to become vested in the Synod or in Trustees on behalf of the Church or any person holding office therein, shall be held by such Synod or such Trustees respectively under and subject to the provisions of The Anglican Church of Australia Act of 1895 as amended, and shall be held, managed, and dealt with in conformity therewith and in conformity with the provisions set out from time to time in the Canons.

**Doctrines to be taught by Officers**

16. The doctrines which shall from time to time be taught or inculcated by the Archbishop, Clergy, School Principals, Lay Readers, or agents and others, wholly or partially endowed or maintained by the proceeds of the property held subject to the provisions of this Constitution, and the doctrines which shall from time to time be taught, or inculcated in any church or chapel, whether cathedral, parochial, collegiate, or missionary, or in any college or school, or any other building which shall be either wholly or partially built out of the funds derived from the property held subject to the provisions aforesaid, or upon sites held by Trustees appointed under this Constitution, shall not be repugnant to the doctrines and sacraments of Christ as the Lord has commanded, and as the Anglican Church of Australia receives the same and has more particularly declared them in the Fundamental Declarations and in the Ruling Principles in force from time to time of the Constitution of the said Church; and it shall be the duty of all Trustees appointed pursuant to the provisions aforesaid, to obey all instructions issued to them by or on behalf of the Synod for the purpose of guarding as far as possible against any trust property or proceeds therefrom being so applied or disposed of as to promote the teaching or inculcating of any doctrine repugnant to those of the said Anglican Church of Australia, as so explained.

**Submission of the Archbishop**

17. Any Archbishop-elect shall, either before his consecration, or if already consecrated, before exercising any episcopal function in this Diocese, sign and subscribe the declaration set out in schedule 1.

**Submission of Officers**

18. No person in Holy Orders, Trustee, Churchwarden, Lay Representative, School Principal, Lay Reader, Catechist, or other agent or office bearer shall be admitted to any office under the provisions of these presents, or be entitled to receive any income, emolument, or benefit from or out of the property held under the same, unless and until such person shall have signed and subscribed the declaration of adhesion and submission to the provisions aforesaid set out in schedule 2.

**Commissary**

19. In case of the absence from the State of the Archbishop, the powers by the Constitution vested in him shall be exercised by a Commissary appointed by him in writing and in case no such Commissary shall have been appointed by him or in the event of his death, resignation, or the Archbishop's becoming incapable as that term is defined in the Bishop (Incapacity) Canon 1995

of General Synod read and construed with any canon passed by the General Synod in amendment thereof and adopted by this Diocese such powers shall (subject as aforesaid) be exercised by the person who shall then be next in ecclesiastical rank or degree in the Diocese and resident therein until the return or recovery of the Archbishop or the assumption of office by his successor.

### **Ecclesiastical rank**

20. (1) The senior Assistant Bishop if there shall be any shall be deemed to be next in ecclesiastical rank to the Archbishop, seniority being determined by the date of consecration.
- (2) If there be no Assistant Bishop, the senior Archdeacon of the Diocese actually performing the duties of an Archdeacon shall be deemed to be next in ecclesiastical rank to the Archbishop, seniority being determined by the length of unbroken service as Archdeacon.

### **Name of Church**

21. Whenever in any document the words "The United Church of England and Ireland", "The Church of England", "The Church of England in Australia", or "The Branch of (any of the said Churches) in the Diocese of Brisbane", the same shall be read and construed as meaning and referring to "The Anglican Church of Australia" and "The Branch of the Anglican Church of Australia in the Diocese of Brisbane" respectively.

### **SCHEDULE 1**

[Section 17]

I, A.B., chosen Archbishop of the Church and See of Brisbane, do promise that I will teach and maintain the doctrine and discipline of the Anglican Church of Australia, as acknowledged and received by the Synod of the Diocese of Brisbane; and I do also declare that I consent to be bound by all the Canons and Regulations of the said Synod, which are now or may hereafter be in force; and in consideration of being appointed Archbishop of the said Church or See of Brisbane, I do hereby undertake immediately to resign the said appointment, together with all the rights and emoluments appertaining thereto, if sentence requiring such resignation should at any time be passed upon me, after due examination had by the Special Tribunal established under the Constitution of the Anglican Church of Australia, saving all rights of appeal allowed by the said Constitution.

Given under my hand this     day of     19     .  
In the presence of

**SCHEDULE 2**

[Section 18]

I, A.B., do declare my submission to the authority of the Synod of the Diocese of Brisbane, and my consent to be bound by all the provisions of the Constitution of the said Diocese, and all lawful amendments thereof, and by all the Canons and Regulations which are now or may hereafter be in force by the authority of the said Synod; and I hereby undertake immediately to resign my appointment, together with all the rights and emoluments appertaining thereto, in accordance with the provisions of any Canon now or hereafter in force, saving all rights of appeal allowed by the said Synod, or if I am removed from office in accordance with the Canons which are now or may hereafter be in force by the authority of the said Synod.

Given under my hand this    day of    19    .

In the presence of

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**NOTES**

1.    The *Constitution* is part of Schedule 2 of the *Consolidating Canon 1990* [assented to: 12 June 1990].
2.    By the *Management of Property Canon 1993* [assented to: 24 June 1993] -  
      Sec. 15 was repealed and a new section substituted.
3.    By the *Archbishop (Incapacity) Amendment Canon 1997* [assented to: 21 June 1997] -  
      Sec. 19 was amended.
4.    By the *Professional Standards Canon 2004* [assented to: 20 June 2004] -  
      Sec. 7 and Schedule 2 were amended.

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Anglican Church of Australia - Diocese of Brisbane

## **AGE LIMITATION CANON**

**A Canon to alter the provisions for the ineligibility for office of, and the vacation of office by, persons attaining a certain age.**

The Synod's reasons for passing this Canon are -

1. The talents and experience of some members of the Church may be unavailable to the Church under the provisions of the Repealed Canon.
2. Some of the provisions contained in the Repealed Canon are considered to be contrary to anti-discrimination laws.

The Archbishop, Clergy and Laity of the Diocese of Brisbane assembled in Synod therefore prescribe -

### **Short Title**

1. This Canon may be cited as the "Age Limitation Canon".

### **Interpretation**

2. In this Canon unless the context or subject matter otherwise requires or indicates -

"Office" -

- (a) in relation to a person in holy orders includes every office appointment or benefice whether licensed or not licensed and whether remunerated or not remunerated, and includes the office of Archbishop and Assistant Bishop;
- (b) in relation to a member of the laity, means the offices of churchwarden including Cathedral warden (but not including district churchwarden), representative in Synod of a parish and of St John's Cathedral, and parish nominator;

"Prescribed Age" means the age of seventy years.

### **Repeal**

3. The Age Limitation Canon in force at the time that this Canon is passed (Repealed Canon) is repealed, and this Canon is enacted in substitution of the Repealed Canon.

**Savings**

4. (1) Nothing contained in this Canon shall operate to render invalid any act done by a person notwithstanding that such person was ineligible to hold an Office by reason of the operation of this Canon.
- (2) Nothing contained in this Canon shall operate to limit or affect the operation of any provision of any canon or resolution of Synod which prevents a person from being elected or appointed to any Office or requiring a person to vacate any Office at an age less than the Prescribed Age.
- (3) The provisions of this Canon shall not apply to persons in holy orders where the terms of appointment or of the licence by which the person holds an Office have the effect of terminating the holding of the Office upon the expiration of a certain period of time or the attainment of a certain age by the holder of the Office.

**Age limitation on appointment to an Office**

5. No person shall be appointed or elected to any Office who has attained the Prescribed Age, subject to the provisions of this Canon.

**Age limitation on Office holders**

6. (1) Persons in holy orders who hold an Office and who attain the Prescribed Age shall cease to hold the Office and shall surrender the same.
- (2) Members of the laity who hold an Office and who attain the Prescribed Age may continue in office for the duration of the term for which they were elected or appointed, but at the expiration of that term they shall cease to hold the Office and shall surrender the same, despite their successors' not having been elected or appointed.

**Appointment beyond the Prescribed Age**

7. In the case of an appointment which may be made by the Archbishop or the Archbishop-in-Council, the Archbishop or the Archbishop-in-Council (as the case may be) may appoint a person who has attained the Prescribed Age to hold an Office where the appointment is of a temporary nature or for a limited time, or may be terminated at the will of the Archbishop or the Archbishop-in-Council at any time.

**Appointment or Election beyond the Prescribed Age**

8. In the case of members of the laity referred to in the definition of "Office" aforesaid, the Regional Bishop may grant permission for the appointment or election of persons who have attained the Prescribed Age to the said offices under the following conditions -
  - (a) the application for the granting of permission is made by the Parish Priest to the Regional Bishop with the concurrence of a majority of the Parish Council;

- (b) the application is made at least six weeks prior to the time that the appointment or election is due to take place;
  - (c) the Regional Bishop may take into account in determining the application the matters set out in the application any reports provided by relevant persons at the Regional Bishop's request and any other matters that appear to him to be relevant;
  - (d) the Regional Bishop's permission is received by the Parish Priest prior to the time that the appointment or election takes place.
9. Notwithstanding section 8, in the case of members of the laity referred to in the definition of Office aforesaid, the Regional Bishop may grant permission for the appointment or election of persons who have attained the Prescribed Age to the said offices under the following conditions:
- (a) the application for the granting of permission is made by the Parish Priest to the Regional Bishop with the concurrence of a majority of the Parish Council within four weeks of the election;
  - (b) the person who has attained the Prescribed Age was elected or appointed to an Office without the Regional Bishop granting permission under section 8 and in a case where the person was nominated in accordance with the Canons at the Parish meeting at which the election or appointment took place (but not before that meeting) and there were insufficient nominations from persons who had not attained the Prescribed Age to fill the vacancy in the Office;
  - (c) that election or appointment shall be provisional only and shall not be effective to allow the person so elected or appointed to take up the Office unless or until the Regional Bishop grants permission;
  - (d) the Regional Bishop may take into account in determining the application the matters set out in the application, any reports provided by relevant persons at the Regional Bishop's request and any other matters that appear to the Regional Bishop to be relevant; and
  - (e) the Regional Bishop shall respond to an application made under subsection (a) within six weeks of receipt of the application. If the Regional Bishop has not responded within six weeks, permission will be deemed to have been granted and the person's election or appointment to the Office will cease to be provisional and take full effect.

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## NOTES

1. The *Age Limitation Canon* was part of Schedule 2 of the *Consolidating Canon 1990* [assented to: 12 June 1990].
2. By the *Age Limitation Canon 1998* [assented to: 20 June 1998] the previous canon was repealed and a new canon substituted.

3. By the *Age Limitation Canon 1998 Amendment Canon 2006* [assented to: 25 June 2006]  
Section 1 was amended.  
Section 8 was inserted.
4. By the *Age Limitation Canon Amendment Canon 2009* [assented to: 21 June 2009]  
Sections 8(a) and 8(c) were amended.  
Section 9(a)-(e) was inserted.

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Anglican Church of Australia - Diocese of Brisbane

## **ARCHBISHOP ELECTION CANON**

**A Canon to regulate the vacating of the See of the Archbishop, and the election of an Archbishop.**

### **Short Title**

1. This Canon may be cited as the "Archbishop Election Canon".

### **Resignation of Archbishop**

2. An Archbishop who intends to resign his Archbishopric shall in writing under his hand send a notification thereof to the Registrar of the Diocese and in such notice shall definitely fix a time at which his resignation is to take effect and at the time so fixed the See shall be vacant and the said Archbishop shall continue to exercise the functions and powers attaching to the office of Archbishop until the See becomes vacant.

### **Translation of Archbishop**

3. In the event of the translation of the Archbishop, he shall be entitled to continue to exercise the functions and powers of the Archbishop until the date on which he is enthroned or installed in the See to which he is translated or until the date on which his successor is enthroned as the Archbishop, whichever date is the earlier.

### **Voidance of the See**

4. The office of Archbishop may be declared vacant -
  - (a) in accordance with the provisions of the Bishop (Incapacity) Canon 1995 of General Synod read and construed with any canon passed by the General Synod in amendment thereof and adopted by this Diocese, or
  - (b) in accordance with the Constitution and Canons of General Synod pursuant to a recommendation made by the Special Tribunal or by the Appellate Tribunal on appeal from the Special Tribunal.

### **Election of Committee**

5. (1) At the first ordinary session of each term of the Synod there shall be elected a committee to be known as the "Archbishop Election Committee" and hereinafter called "the Committee" to act in the election of an Archbishop.

- (2) The Committee shall consist of eleven members of the house of clergy and eleven members of the house of laity elected by their respective houses.

**Submissions by Bishops of the Province**

6. (1) Each diocesan Bishop of the province shall be invited to submit in writing his views concerning the forthcoming election with his suggestions as to the names of persons he thinks should be considered for nomination.
- (2) When the Archbishop has given notice of his intention to resign as provided in this Canon, such invitation may be made before the date specified for the See to become vacant by the person next in ecclesiastical rank to the Archbishop.
- (3) If such invitation has not been made before the date on which the See becomes vacant, the Administrator shall issue such invitation.

**Committee to be convened**

7. (1) Whenever the See shall have become vacant, the Committee shall meet to consider the choice of an Archbishop to fill the vacancy in the See.
- (2) The Administrator shall convene the Committee and except as hereinafter provided shall preside thereat, but shall not vote unless elected as a member of the Committee.
- (3) A quorum of the Committee shall be a majority of the clerical members of the Committee and a majority of the lay members of the Committee.
- (4) Decisions of the Committee shall not be invalid by reason only of a vacancy or vacancies in the membership of the Committee.
- (5) If a member of the Committee (including the Administrator) is nominated for election as Archbishop, that person shall not be present while the Committee considers the said nomination.
- (6) Except as otherwise provided in this Canon, the Committee shall have full discretion to order its own procedure.

**Nominations in Committee**

8. (1) No nomination shall be made until the Committee shall have considered such views as have been expressed by the diocesan Bishops of the province.
- (2) The nomination of candidates for election shall be made by any one or more members of the Committee.

**Required majority for election**

9. When a person nominated has received a majority of the votes of the clerical members and a majority of the votes of the lay members of the Committee, the Administrator shall declare such person elected.

**Failure to elect**

10. In the event of the failure to elect within a period of twelve months from the date of the first meeting of the Committee, the appointment shall vest in the members of the house of bishops of General Synod of the Anglican Church of Australia; and the Administrator shall request the Primate to call such meeting or meetings of the house of bishops (at the expense of the diocese) as shall be necessary to make such appointment.

**Canonical fitness**

11. The election of the Archbishop shall as to canonical fitness of the person elected be subject to confirmation as prescribed by canon of the Synod of the province of Queensland.

**Installation**

12. After the consecration of the Archbishop if he is not already consecrated a bishop, he shall be installed in the Cathedral Church after the manner of the enthronement of an Archbishop and thereafter shall exercise the function of Archbishop accordingly.

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**NOTES**

1. The *Archbishop Election Canon* is part of Schedule 2 of the *Consolidating Canon 1990* [assented to: 12 June 1990].
2. By the *Archbishop (Incapacity) Amendment Canon 1997* [assented to: 21 June 1997] - Sec. 4 was amended.
3. By the *Triennial Synod Canon 1998* [assented to: 20 June 1998] - Sec. 5 was amended.

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Anglican Church of Australia - Diocese of Brisbane

## **ARCHBISHOP'S PREROGATIVE CANON**

**A Canon to declare certain prerogatives and powers of the Archbishop.**

### **Short Title**

1. This Canon may be cited as the "Archbishop's Prerogative Canon".

### **Powers of the Archbishop**

2. When an Archbishop of Brisbane shall have been elected and installed -
  - (a) he shall be "the Bishop" within the meaning of The Church of England (Diocese of Brisbane) Property Act of 1889 as amended;
  - (b) as Ordinary and Chief Pastor of the Diocese he shall be deemed to have and may exercise within the Diocese all and singular the powers and prerogatives conferred upon or vested in the Bishop of this Diocese by its Constitution or its Canons.

### **Particular powers of the Archbishop**

3. Without limiting the generality of the foregoing the Archbishop shall have such other powers as are hereinafter mentioned and more particularly in relation to the following matters -
  - (a) the granting and revoking of licences to Clergy to officiate in the Diocese subject to any Canons regulating the same;
  - (b) the exercise of all such powers of an Ordinary as are created or instituted either expressly or by implication by the provisions of the Book of Common Prayer and by forms of service agreed to by General Synod and authorized by Synod for use in the Diocese and the power to put forth or sanction additional services and to adapt the services in the said book and forms of service and to direct or sanction the use of additional prayers; provided that such additional services or prayers shall be subject to such limitations as may be imposed by General Synod or other lawful authority and shall not affect the doctrinal teaching or value of the services contained in the said book and forms of service, and provided always that in case any manner of question or dispute shall arise touching the nature of such doctrinal teaching contained in such adaptation or additional service an appeal shall lie to the tribunals established under the Constitution of the Diocese and under the Constitution of the Anglican Church of Australia;
  - (c) the exercise either by himself or his Archdeacons or any of them of such visitational powers in respect of all Church officers as are exercised by a Bishop of the Church of England or by his Archdeacons;

- (d) the approval of plans for the erection of Churches and other buildings used for the purpose of public worship to be erected on any site vested in The Corporation of the Synod of the Diocese of Brisbane or in any other person or persons upon trust for the benefit of the Anglican Church of Australia; and of proposals for the installation of furniture and furnishings, musical instruments, public address systems or other means of amplification and emission of sound for the purpose of or in connection with public worship therein;
- (e) the granting of permission or the issue of faculties for alterations in or additions to or the rebuilding or enlargement of any Church or other building used for the purpose of public worship erected on any site so vested as aforesaid; and for the installation of furniture and furnishings, musical instruments, public address systems or other means of amplification and emission of sound for the purpose of or in connection with public worship therein.

**Access to Churches, etc.**

- 4. The Archbishop and the Assistant Bishops shall have free access to all Churches or other buildings used for the purpose of public worship in the Diocese whenever they may require the use of the same for any purpose in fulfilment of their office as Archbishop or Assistant Bishop as the case may be and on such occasions shall have full control and ordering of the services.

**Assistant Bishops**

- 5. The Archbishop may from time to time delegate any or all of his visitational powers as hereinbefore mentioned to any or all of the Assistant Bishops, and revoke such delegation, and shall notify any such delegation or revocation to the Diocesan Council at the following meeting of the Council.

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Anglican Church of Australia - Diocese of Brisbane

## **ASSISTANT BISHOPS CANON**

### **A Canon to make provision for the office of Assistant Bishop.**

#### **Short Title**

1. This Canon may be cited as the "Assistant Bishops Canon".

#### **Office of Assistant Bishop**

2.
  - (1) The office of Assistant Bishop is hereby created.
  - (2) The Synod may from time to time by resolution create one or more additional offices of Assistant Bishop.
  - (3) The Synod may from time to time by resolution abolish one or more offices of Assistant Bishop previously created by resolution as aforesaid, but without prejudice to the rights and privileges of any bishop then holding such office.
3. The appointment of an Assistant Bishop shall be made by the Archbishop with the concurrence of the Diocesan Council.
4. Before making any such appointment the Archbishop shall notify the Primate of an intention of making the appointment and inform the Primate of the stipend provided for the occupant of the office.
5. No appointment shall be made until the Primate has informed the Archbishop in writing that the Metropolitans or a majority of them are satisfied that a sufficient stipend has been provided for the occupant of the office.
6. No priest appointed to the office of an Assistant Bishop shall be consecrated unless the appointment of such priest as to canonical fitness pursuant to section 74(1) of the Constitution of the Anglican Church of Australia has been confirmed in the manner prescribed by The Confirmation of Bishops Canon of the Province of Queensland in force for the time being.
7. An Assistant Bishop shall be licensed by the Archbishop and shall undertake such work and perform such Episcopal acts as may be required or permitted by the Archbishop.

#### **Assistant Bishop in Synod**

8. Every Assistant Bishop shall vote in Synod as a member of the house of clergy except when presiding as Commissary for the Archbishop of the Diocese.
9. An Assistant Bishop shall continue in office notwithstanding a vacancy in the See.

10. No Assistant Bishop shall be appointed with a right of succession to the See.
11. “Assistant Bishop” in this canon shall include a Coadjutor Bishop or other Bishop Assistant to the Bishop of the Diocese.
12. Determination II of the Session of 1896 of the General Synod of the Dioceses of the Church of England in Australia and Tasmania as amended shall cease to have any operation in this Diocese.
13. Nothing in this Canon shall affect any office of Assistant Bishop created or any appointment made before the adoption of this canon.

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#### NOTES

1. By the *Assistant Bishops Canon Amendment Canon 2008* [assented to: 21 June 2008]  
Secs 3, 4, 5, 6 & 7 were inserted,  
Sec 3 renumbered sec 8,  
Secs 9, 10,11, 12 & 13 were inserted.

Anglican Church of Australia - Diocese of Brisbane

## **BENEFICES AVOIDANCE CANON**

**A Canon to make provision for the removal of a person from a Benefice.**

### **Short Title**

1. This Canon may be cited as the "Benefices Avoidance Canon".

### **Interpretation**

2. In this Canon unless the context or subject matter otherwise requires or indicates -

"Incumbent" means a rector of a Parish pursuant to the provisions of the Parishes Regulation Canon or the holder of any other spiritual office under licence from the Archbishop where such licence is not revocable by the Archbishop otherwise than under the provisions of this Canon;

"Offence" includes in addition to any similar offence any one or more of the following -

- (a) habitual or wilful neglect of ministerial duty after written admonition in respect thereof by the Archbishop;
- (b) absence of any Incumbent from the cure parish or office of such Incumbent without leave in writing of the Archbishop;
- (c) wilful contravention or violation of the provisions of the Constitution Canons Rules or Regulations of the Synod.

### **Election of Commissioners**

3. At the first ordinary session of each term of the Synod three licensed Members of the Clergy and two members of the laity, being members of the Synod, shall be elected as Commissioners to enquire into and advise the Archbishop upon all such questions involving the expediency of removing Incumbents from their Benefice or office as may be committed to them in manner hereinafter mentioned.

### **Incumbent or Parishioner of Benefice not to act as a Commissioner**

4. Upon an enquiry being directed as to the expediency of removing an Incumbent from a Benefice or office, any Commissioner elected as hereinbefore provided shall be disqualified from continuing to act in that capacity and such office as Commissioner shall be deemed to have become vacant if such Commissioner -



- (a) be the said Incumbent; or
- (b) be a parishioner of a parish constituting the Benefice in question.

### **Removal of a Commissioner**

- 5. Any Commissioner may be removed from such office for sufficient cause by the Archbishop-in-Council.

### **Meetings of the Commission**

- 6.
  - (1) The Archbishop may from time to time summon the Commissioners to meet at such time and place as he shall think fit giving to each of them not less than four clear days' notice of such meeting.
  - (2) The presence of two clerical and one lay Commissioner shall be necessary to constitute a meeting of the Commissioners and the Commissioners present at any such meeting shall elect a chairman to preside thereat.
  - (3) The said Commissioners may adjourn any meeting to such time and place as they may think fit and may take or procure evidence in such manner as to them may seem most expedient.

### **Enquiry and report by Commissioners**

- 7. If the Archbishop shall see fit at any time either upon representations made to him or on his own motion to institute formal enquiry into any circumstance appearing to him to be of so serious a nature as to raise the question of the expediency of removing an Incumbent from the Benefice or office held by such Incumbent for any grave cause or Offence he may lay before the Commissioners such complaints and representations as he shall have received with such documentary or other evidence as may bear upon the case and direct the Commissioners to enquire into such circumstances and report to and advise him thereon, except as hereinafter provided.

### **Limitation of powers of Archbishop and Commissioners as to Offences**

- 8. No enquiry shall be directed by the Archbishop or entertained by the said Commissioners in respect of any of the offences under the definition of "Offence" as set out in the Tribunal Canon other than those like in nature to an Offence under the provisions of this Canon.

### **Duties of Commissioners**

- 9. The Commissioners shall then after due notice to the Incumbent proceed to enquire into such circumstances as aforesaid and shall state in writing to such Incumbent the nature thereof and the object of the enquiry directed by the Archbishop and shall call upon the Incumbent to proffer within a specified time such explanation and evidence as the Incumbent may see fit in

respect of such circumstances and shall afford the Incumbent all such reasonable facilities for so doing as to them shall seem fit.

### **Commissioners to report to Archbishop**

10. Whether or not the said Incumbent shall have taken advantage of such facilities and proffered any such explanation or evidence as aforesaid, the Commissioners having enquired into the whole matter and having received the explanation and evidence if any proffered by the Incumbent shall report in writing thereon to the Archbishop.

### **Extension of term of Commissioners**

- 10A. (1) If the Archbishop has seen fit to institute a formal enquiry under the provisions of this Canon and has directed the Commissioners to enquire, and to report and advise him accordingly, and a Commissioner has ceased or is likely to cease being a Commissioner on account of –

- (a) not being a licensed Member of the Clergy, or
- (b) not being a member of Synod, or
- (c) not being re-elected by Synod as a Commissioner,

and

- (d) the Commissioners have not reported in writing to the Archbishop, or
- (e) the Commissioners having reported, the Archbishop is desirous of returning the matter to them for their further consideration (in whole or in part),

the Archbishop-in-Council may reinstate the Commissioner or extend the term of the Commissioner (as the case may be) so that the Commissioner may continue in that office until the Archbishop is satisfied that the matter has been finally determined.

- (2) In any case where a Commissioner is reinstated or the term of a Commissioner is extended under this section, that reinstatement or extension shall apply only to the consideration of the matter for which this section has been invoked, and in summoning or continuing to summon the Commissioners to consider the said matter the Archbishop shall summon or continue to summon no more than three clerical Commissioners and no more than two lay Commissioners.

### **Removal of Incumbent**

11. If the Commissioners or a majority of them shall report to the Archbishop that circumstances do exist which in their opinion render it expedient that the said Incumbent shall be removed from the Benefice or office for any grave cause or Offence and shall advise the Archbishop to remove the Incumbent accordingly, the Archbishop may withdraw the licence of such Incumbent remove the Incumbent from the Benefice or office and dispossess and depose the Incumbent of

and from all right title and interest in and appertaining to the said Benefice or office and of all the temporalities thereof.

#### **Instrument of Deprivation and service thereof**

12. If and whenever the Archbishop shall have seen fit to remove an Incumbent under the provisions of this Canon an Instrument of Deprivation shall be executed under the hand and seal of the Archbishop in such form as to him may seem desirable under the circumstances of the case and a duplicate copy thereof under the hand and seal of the Archbishop shall forthwith be served upon such Incumbent, except as hereinafter provided.

#### **Procedure where personal service cannot be effected**

13. If after reasonable efforts have been made personal service upon the said Incumbent cannot be effected, service of the said Instrument by sending a duplicate copy thereof through the post in a registered envelope addressed to the said Incumbent at the Incumbent's last known place of abode shall be deemed to be good and sufficient service thereof.

#### **Neglect or refusal to comply with Instrument of Deprivation**

14. Any Incumbent who after due service of a copy of such Instrument of Deprivation as aforesaid shall neglect or refuse to comply with the purport of the said Instrument shall so far as concerns any property of the Church or temporalities situate in or appertaining to the said Benefice be deemed a trespasser and may be proceeded against according to law in the civil courts.

#### **Incumbent removable for certain offences set out in Tribunal Canon**

15. Notwithstanding anything contained in the Tribunal Canon to the contrary any Incumbent may be removed from a Benefice or office under the provisions of this Canon for or by reason of the Incumbent's having been guilty of any of the offences under the definition of "Offence" as set out in the Tribunal Canon like in nature to an Offence under the provisions of this Canon.

#### **Provisions of Tribunal Canon not affected by this Canon**

16. Nothing herein contained shall exempt or remove any Incumbent from the operation of the Tribunal Canon or prejudice or impair any power or authority thereby bestowed upon the Archbishop or any other person or persons or upon any Tribunal constituted thereunder.

#### **Incumbent not to have right to be tried under Tribunal Canon after enquiry under this Canon directed**

17. No Incumbent shall after any enquiry shall have been directed into any circumstances concerning the expediency of the Incumbent's removal from office under the provisions of this Canon have any right to elect or require that the Incumbent shall be proceeded against under the provisions of the Tribunal Canon.

**NOTES**

1. The *Benefices Avoidance Canon* is part of Schedule 2 of the *Consolidating Canon 1990* [assented to: 12 June 1990].
2. By the *Triennial Synod Canon 1998* [assented to: 20 June 1998] -  
Sec. 3 was amended.
3. By the *Benefices Avoidance Canon Amendment Canon 2005* [assented to: 19 June 2005] -  
Sec.10A was inserted.

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Anglican Church of Australia - Diocese of Brisbane

## **CANONS INTERPRETATION CANON**

**A Canon relating to the shortening, interpretation and proof of Canons of the Synod of the Diocese of Brisbane.**

### **Short Title**

1. This Canon may be cited as the "Canons Interpretation Canon".

### **Canon signed by President to be deemed original record**

2. On the passing of any Canon by the Synod, the Canon as passed, which may be written or printed, shall be signed and certified by the President in the following form that is to say -

I certify that this Canon was passed by the Synod on the                      day of                      19 . As witness  
my hand this                      day of                      19 .

A.B.,  
President.

and such Canon so certified shall be deemed to be the original record.

### **Canons to be divided into sections**

3. All Canons to be hereafter made and passed by the Synod shall be divided into sections if there be more enactments than one which sections shall be deemed to be substantive enactments without any introductory words.

### **Canons may be altered, etc., in the same session**

4. Every Canon of the Synod may be altered amended or repealed either in the same session or in any future session hereafter.

### **Repealed enactments**

5. (1) Wherever any Canon shall be made repealing either in whole or in part any former Canon and substituting some provision in lieu thereof such provision so repealed shall remain in force until the substituted provision shall come into operation by force of the last made Canon and such repeal shall not without express words affect any act matter or thing commenced to be done under the repealed Canon but the same may be continued under the said repealed Canon unless the provisions of the repealing Canon shall be adapted to such continuation.

- (2) Wherever any Canon shall be made repealing either in whole or in part any former Canon such repeal shall not affect anything lawfully done or suffered under the enactment so repealed.

### **Repealed or expired enactments**

6. The repeal of any enactment by which a previous enactment is repealed shall not have the effect of reviving such last mentioned enactment without express words.

### **Date of commencement of Canons**

7. (1) Every Canon heretofore or hereafter passed by the Synod shall unless otherwise expressed be deemed to have commenced and shall take effect on the day on which such Canon shall have been assented to by the Archbishop.
- (2) On any copy of such Canon printed by the authority of the Archbishop-in-Council the date purporting to be that of such assent, and the date of the commencement of the Canon if that be different from the date when the Archbishop shall have given assent thereto, shall be received for all purposes as evidence of the date of such assent or commencement as the case may be.

### **References to canons amending or in substitution**

8. In any Canon any reference to or citation of a Canon shall, where the context admits and unless the contrary intention appears, be deemed to include a reference to or citation of all enactments amending the Canon so referred to or cited, and to all enactments amending such amending enactments or any or them, and to any enactment substituted for the Canon so referred to or cited or for any of such amending enactments.

### **Interpretation**

9. In the Constitution or in this or any Canon hereafter enacted or in any form or schedule therein contained or referred to or thereto annexed or in any regulation or by-law made pursuant to any Canon, unless the context or subject matter otherwise requires or indicates -

"Administrator" means the person other than a Commissary exercising the power of the Archbishop under the Constitution.

"Archbishop" means the present Archbishop of the Anglican Church of Australia in the Diocese of Brisbane his successors in office and any person acting as Commissary or exercising the powers of the Archbishop under the provisions of the Constitution and shall include the word "Bishop";

"Archbishop-in-Council" means the Archbishop acting by and with the advice of the Diocesan Council and shall include the words "Bishop-in-Council";

"Assistant Bishop" means a Bishop holding an appointment and licence as an Assistant Bishop pursuant to the provisions of the Constitution and Canons of the Diocese;

"Canon" means and includes any enactment of the Synod;

"Catechist" means a member of the laity who has received a Commission from the Archbishop to work in the Diocese whose whole time is given to ministerial work in conjunction with the Clergy of the Diocese and who receives a salary for such services;

"Chancellor" means the Chancellor of the Diocese for the time being appointed by the Archbishop by instrument under his hand and seal;

"Church" (when the context clearly shows that it is not applicable to a building) means the Church known as and forming the branch of the Anglican Church of Australia in the Diocese of Brisbane and where the context shows that the word "Church" is intended to be applied to a building the same shall be deemed and taken to mean a building licensed consecrated or set apart for the worship of God according to the rites and ceremonies of the Anglican Church of Australia;

"Constitution" means the Articles of Agreement entered into by the Bishop Clergy and Laity of the Anglican Church of Australia (therein called the United Church of England and Ireland) in the Diocese of Brisbane in the Colony of Queensland on 18 June 1868 as revised and consolidated by the Synod from time to time;

"Corporation" means the Synod of the Diocese of Brisbane incorporated under the name and style of "The Corporation of the Synod of the Diocese of Brisbane" by section 3 of The Church of England Act of 1895 as amended;

"Delegate" and "Lay Representative" mean and include representatives of a Parish in Synod and any representative elected by the Synod to act on any Board or Committee;

"Deputy Chancellor" means the Deputy Chancellor of the Diocese for the time being appointed by the Archbishop in accordance with the Constitution and Canons of this Church;

"Diocesan Archives" means depending on context either -

(a) the place under the authority of the Archbishop-in-Council wherein from time to time Records of the Church are deposited and kept; or

(b) Records of the Church so deposited and kept;

"Diocesan Council" means the Council appointed to assist and advise the Archbishop in the conduct of the business of the Synod at such times as the Synod shall not be sitting, and where the context permits or requires may mean the Archbishop-in-Council;

"Diocese of Brisbane" and "Diocese" mean and include so much of Queensland as is situated to the south of the line described in the Schedule until the same shall be reduced by the creation of new Dioceses and thereafter mean the area to which the Diocese shall from time to time be limited by the creation of such new Diocese;

"Elector" means a communicant Parishioner provided that no person may at any time be an Elector for more than one Parish;

"General Manager" means the General Manager for the time being under the General Manager Canon 1992;

"Lay-Reader" means a member of the laity who holds the Archbishop's licence to take services and generally to render aid to the Parish Priest in all ministrations which do not strictly require the service of a minister in Holy Orders but who is not in receipt of any salary;

"Licensed Clergy" means and includes any person in Holy Orders holding the Archbishop's licence to any special charge or cure or to the performance of any spiritual duty or service within the Diocese;

"Member of the Clergy" or "Clergyman" or "Clergyperson" means:

- (a) a person ordained into Holy Orders as bishop, priest or deacon according to the rites and ceremonies of this Church; or
- (b) a person ordained into Holy Orders according to the rites and ceremonies of another Church whose Holy Orders have been recognized by a bishop of this Church by the granting of a licence by the bishop to the person; and

whose Holy Orders have not been lawfully relinquished or who has not been deposed from the Holy Orders in accordance with the Constitutions and Canons of this Church; and "person in Holy Orders" has a like meaning;

"Member of this Church" and "Member of the Church" mean a person who is a member of the Anglican Church of Australia for the purposes of and as defined from time to time by the provisions of the Constitution of the said Church;

"Office Bearer" means and includes all members of the laity who shall have assented to the authority of the Synod and shall have accepted any office charge or trust under its authority;

"Ordination Candidate" means a member of the laity who is being trained for Holy Orders and who may or may not be licensed for lay ministerial work and may or may not be in receipt of a salary;

"Parish" means such portion of the Diocese as shall have been or which may hereafter be declared to be a Parish or, where the context permits, a Provisional Parish by the Archbishop-in-Council;

"Parishioner" in relation to a Parish means a member of this Church who is at least eighteen years of age and who has been for a period of not less than three months and is an accustomed worshipper in the said Parish;

"President" means the Archbishop, the Commissary appointed by him or other person for the time being presiding at any meeting of the Synod under the provisions of the Constitution or any Canon;

"Property" means and includes all real or personal property including money and securities for money;



"Property and Finance Board" means the Property and Finance Board constituted under the provisions of the Property and Finance Canon;

"Record" means a document (including any written or printed material) or object (including a sound-recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) and in relation to the Church includes -

- (a) a record brought into existence by the Church or at the direction of the Church or with the authority of the Church as a record for present or future reference;
- (b) a matter or thing kept by the Church or with the authority of the Church as a record of its activities or consequent upon a function power or duty to keep records;

and "Record of the Church" has a like meaning;

"Region" means a defined part of the Diocese constituted by the Archbishop as a Region for episcopal care and oversight by a Regional Bishop and notified by the Archbishop to the Diocesan Council;

"Regional Bishop" means an assistant Bishop appointed and licensed by the Archbishop to the episcopal care and oversight of a Region;

"Registrar" means the Registrar for the Diocese of Brisbane for the time being;

"Repeal" means and includes the revocation abrogation rescission or alteration of any enactment of the Synod and of any and every contract or agreement contained in such enactment or constituted thereby;

"Synod" means the Archbishop Clergy and Laity for the time being constituting the governing body for the management of the affairs of the Church in the Diocese;

### **Interpretation of other terms in Canons**

10. In the Constitution or in this or any Canon hereafter enacted or in any form or schedule therein contained or referred to or thereto annexed or in any regulation or by-law made pursuant to any Canon -

#### **Writing**

- (a) Expressions referring to writing shall be construed as including references to printing, painting, engraving, typewriting, lithography, photography, and any other mode whatever of representing or reproducing words in a visible form;

#### **Gender**

- (b) Every word denoting a particular gender shall unless the context otherwise requires be construed as including the other gender;

**Number**

- (c) Every word in the singular number shall be construed as including the plural number, and every word in the plural number shall be construed as including the singular number;

**Body Corporate**

- (d) Every word in either of the said genders or numbers shall be construed as including a body corporate as well as an individual;

**Derivatives**

- (e) Derivatives of any term to which a meaning is assigned by that canon shall have a corresponding meaning.

**When power is discretionary and when not**

11. Wherever in the Constitution or in any Canon a power is conferred upon any person by the word "may" or by the words "shall be lawful" applied to the exercise of that power such word or words shall be taken to import that the power may be exercised or not at discretion and where the word "shall" is applied to the exercise of any such power the construction shall be that the power conferred must be exercised.

**SCHEDULE**

[Section 9]

A line commencing on the east coast at the mouth of the Kolan River, and bounded thence on the south by the northern watershed of that river westerly to Dawes Range; by that range and the range forming the northern and western watersheds of the Rawbelle River and its tributaries westerly and southerly to their junction with the southern watershed of Ross and Cracow Creeks; by that watershed westerly to the Dawson River; by that river downwards to Bigge's Range; by that range westerly to Carnarvon Range; by that range westerly to the Great Dividing Range; by that range westerly to the Warrego Range; by that range westerly to the Cheviot Range; by that range north-westerly and westerly to the confluence of the Thomson and Barcoo Rivers; by a line due west to the western boundary of the State.

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**NOTES**

1. The *Canons Interpretation Canon* is part of Schedule 2 of the *Consolidating Canon 1990* [assented to: 12 June 1990].
2. By the *Provisional Parishes Canon 1991* [assented to: 19 June 1991] -  
Sec. 9 was amended (definition of "Parish" amended).
3. By the *Records and Archives Canon 1992* [assented to: 25 June 1992] -  
Sec. 9 was amended (definition of "Diocesan Archives" amended; definition of "Records of the Church" deleted and definition of "Records" substituted).
4. By the *Deputy Chancellor Canon 2003* [assented to: 28 June 2003] -  
Sec. 9 was amended (definition of "Deputy Chancellor" inserted).
5. By the *Professional Standards Canon 2004* [assented to: 20 June 2004] -  
Sec. 9 was amended (definition of "Member of the Clergy" amended).
6. By the *Treasurer (Abolition of Office) Canon 2013* [assented to: 22 June 2013] -  
Sec. 9 was amended (definition of "General Manager" inserted); definition of "Treasurer" deleted.

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Anglican Church of Australia - Diocese of Brisbane

## **CATHEDRAL CANON**

**A Canon to provide for the administration of the Cathedral Church of St. John the Evangelist and its funds and ministry.**

### **Short Title**

1. This Canon may be cited as the "Cathedral Canon".

### **Interpretation**

2. In this Canon or in any regulation or by-law made pursuant to the provisions of this Canon unless the context or subject matter otherwise requires or indicates -

"Cathedral" means the Cathedral Church of St. John the Evangelist erected on a site acquired for the purpose in Brisbane.

"Cathedral property" means the lands described in the Schedule and all other property which has been or shall hereafter be given or appropriated or settled in trust for the Cathedral or the Chapter or any of the other purposes of this Canon and all monies which shall arise from sale, lease or mortgage of such lands or property and all investments and property for the time being representing the same.

### **The Archbishop**

3. The Archbishop shall by virtue of his office and in addition and without prejudice to all his episcopal rights be the Minister of the Cathedral within the meaning of any statute law in force for the time being in the State and shall have the ordering and control of all services of the Cathedral and shall when and as he may think fit use the same for any purposes in fulfilment of his office as Archbishop or Minister.

### **The Chapter**

4. (1) There shall be a Chapter which shall consist of -
  - (a) the Archbishop;
  - (b) the Dean;
  - (c) the Residentiary Canons;
  - (d) the Chancellor;
  - (e) eight Lay members.

- (2) The Chapter constituted under the provisions of this Canon is in continuance of "The Chapter" constituted under the Canons previously in force, and any reference in the Canons previously in force to "The Chapter" shall be taken to mean the Chapter constituted under the provisions of this Canon.

### **The Dean**

5. The Dean shall be appointed by the Archbishop after consultation with the Chapter and with the concurrence of a majority of both the clerical and lay members of the Chapter, voting separately at a meeting convened for that purpose.
6. The person appointed to be Dean shall, before taking office and being installed as Dean, make such declarations as may be prescribed under the Constitution and Canons.
7. Subject to the provisions of this Canon and to any by-laws or determinations of the Chapter in that behalf the Dean shall have the control and superintendence of the fabric and furniture of the Cathedral and the precincts thereof and the charge and government of all the officers thereof.
8. Subject to the provisions of this Canon and to the powers of the Archbishop specifically reserved herein the Dean shall have control over the conduct of divine service at the Cathedral which shall at all times be conducted in accordance with the use of the Anglican Church of Australia and further shall have control subject to any determination of the Chapter over all activities which may take place in the Cathedral or the precincts thereof.
9. Subject to the provisions of this Canon and to any by-laws or determinations of the Chapter in that behalf the Precentor and all other persons, clerical or lay, appointed as officers of the Cathedral shall be responsible for the performance of such duties as shall be assigned to them by the Dean and in the performance of such duties they shall be under the direction of the Dean.
10. When the office of Dean is vacant, the duties and responsibilities of the Dean may be exercised by any of the Canons or other clerical officers of the Cathedral appointed in that behalf by the Archbishop, with the concurrence of a majority of the Chapter.

### **The Residentiary Canonries**

11.
  - (1) There shall be six Residentiary Canonries.
  - (2) When a vacancy in the Residentiary Canonries shall occur, it shall be filled by the Archbishop appointing a priest as Residentiary Canon with the concurrence of a majority of both the lay and clerical members of the Chapter voting separately at a meeting convened for that purpose.

**The Beneficed Clergy**

12. (1) The spiritual offices of Dean and Residentiary Canon are declared to be benefices.
- (2) The clergy holding such offices shall be removable therefrom only:
  - (a) following a sentence under and in accordance with the provisions of the Tribunal Canon; or
  - (b) in accordance with the provisions of the Benefices Avoidance Canon; or
  - (c) following a recommendation of the Professional Standards Board under and in accordance with the provisions of the Professional Standards Canon.

**The Honorary Canonries**

13. (1) There shall be no more than six Honorary Canonries.
- (2) When a vacancy in the Honorary Canonries shall occur it may be filled by the Archbishop appointing a Member of the Clergy and licensed by him as Honorary Canon with the concurrence of a majority of the Chapter.
- (3) An Honorary Canon may be assigned such duties from time to time as the Archbishop shall select.

**Vacancy in the Canonries**

14. (1) A Canonry, Residentiary or Honorary, shall become vacant when that Canon -
  - (a) dies; or
  - (b) resigns in writing addressed to the Archbishop and the resignation is accepted by him; or
  - (c) departs out of the Diocese with the intention of residing permanently outside the Diocese; or
  - (d) becomes incapable of acting by reason of having been declared of unsound mind by an order or judgment of any competent court or tribunal; or
  - (e) shall have been declared superannuated under the Canons in force at the time or shall have attained the age of 70 years.
- (2) The Archbishop may in his sole discretion by writing under his hand and seal permit on such terms and for such period as he thinks fit any such person to continue to use the title of "Canon" and any such licence may be revoked at the pleasure of the Archbishop.

**Other Clergy**

15. (1) The Archbishop may appoint Members of the Clergy as stipendiary or honorary officers of the Cathedral in accordance with the provisions of the Licensing of Clergy Canon and with the concurrence of a majority of the Chapter.
- (2) One person appointed under the provisions of this section may be known as the Precentor, and with the concurrence of a majority of the Chapter any or all such persons may be known as Minor Canons.

**The Lay members of the Chapter**

16. Eight Lay persons shall be appointed to be members of the Chapter in the following manner -
  - (a) two lay persons shall be elected by the Synod at the first ordinary session of each term of the Synod to hold office for three years;
  - (b) two lay persons shall be appointed by the Archbishop-in-Council at the meeting of the Council held next after the session of Synod at which the Synod elected the aforesaid lay members, to hold office for three years;
  - (c) the Cathedral Wardens elected or appointed pursuant to the provisions of the Cathedral Congregation Canon;
  - (d) one lay member shall be elected by the Annual Meeting of the Cathedral parishioners pursuant to the provisions of the Cathedral Congregation Canon to hold office for one year.
17. (1) Every Lay person qualified to be an Elector shall be entitled to be a Lay member of the Chapter if duly elected or appointed in accordance with the provisions of this Canon.
- (2) All Lay members shall continue and remain in office except as hereinafter provided until their successors are elected, and shall be eligible for re-appointment or re-election.
- (3) The Lay members of the Chapter during their term of office shall be known as Lay Canons.
18. (1) The office of any Lay member of the Chapter shall become vacant when that person -
  - (a) dies; or
  - (b) resigns in writing addressed to the Archbishop and the resignation is accepted by him; or
  - (c) departs out of the Diocese with the intention of residing permanently outside the Diocese; or

- (d) becomes incapable of acting by reason of having been declared of unsound mind by an order or judgment of any competent court or tribunal; or
  - (e) ceases to be an Elector.
- (2) When the office of any Lay member appointed by the Archbishop-in-Council or elected by Synod shall at any time become vacant the Archbishop-in-Council shall at the next ensuing meeting of the Council appoint some other qualified person.
- (3) When the office of Cathedral Warden or of the lay member elected by the Cathedral congregation shall at any time become vacant some other qualified person shall be appointed to fill the vacant office in accordance with the provisions of the Cathedral Congregation Canon, and the person so appointed to fill the vacancy shall hold office for the remainder of the term of office of the person being replaced.

### **Meetings of the Chapter**

19. Before sitting in the Chapter every member of the Chapter shall make and subscribe the following declaration -
- "I, A.B., do hereby declare that in the exercise of my office as a member of the Chapter of the Cathedral Church of St. John in the Diocese of Brisbane I will hold my office in due submission to the Archbishop and the Synod and that I will conform in all respects to the provisions of the Cathedral Canon."
20. The Archbishop shall convene all meetings of the Chapter and a meeting of the Chapter shall be held at least once each quarter or as more frequently determined by the Chapter, and special meetings shall be convened on the written request of at least five members of the Chapter.
21. (1) The Archbishop shall preside at all meetings of the Chapter and in the absence of the Archbishop the chairman of such meetings shall be the Dean, or in his absence the senior Residentiary Canon present.
- (2) If the Archbishop is not present at a meeting of the Chapter, the Chapter Clerk shall forthwith forward copies of all resolutions passed at that meeting to the Archbishop.
22. The Registrar shall be the Chapter Clerk of the Chapter and as such shall be Secretary of the Chapter.
23. (1) The Chapter shall be at liberty to make, amend or rescind by-laws not inconsistent with the provisions of this Canon for the conduct and management of its business.
- (2) No such by-law shall have any force or effect unless and until the Archbishop shall have given his consent thereto in writing.



24. The quorum for a meeting of the Chapter shall be the Archbishop or other person acting as Chairman and in addition five members of the Chapter of whom at least one shall be the Dean or a Residentiary Canon and three at least shall be lay persons.
25. (1) The Seal of the Lesser Chapter of the Cathedral Church of Brisbane shall be in the custody of the Chapter Clerk. It may be affixed to a document by the Dean in the presence of the Chapter Clerk but only in pursuance of a resolution of the Chapter.
- (2) If at any time there be no Dean or if the Dean shall be unable to act then a person appointed by the Chapter for that purpose may affix the Seal.
- (3) If there shall at any time be no Chapter Clerk or if the Chapter Clerk shall be unable to act the Seal may be affixed in the presence of a person appointed by the Chapter for that purpose.
- (4) The persons witnessing the affixing of the Seal shall sign the instrument to which it is affixed.
26. The Chapter shall lay a report of its proceedings and a statement duly audited of its receipts and expenditure of the previous financial year before each ordinary session of the Synod.

### **Administration**

27. Subject to the powers and prerogatives of the Archbishop the Chapter shall be charged with the following duties -
- (a) the superintendence organisation and maintenance of the fabric of the Cathedral and the regulation of all matters appertaining to the furnishing and ornamentation thereof;
- (b) the ordering of all matters appertaining to the precincts of the Cathedral and to the erection and maintenance of all buildings and fences upon Cathedral property;
- (c) the control and management of all monies collected in the Cathedral and of all funds placed at its disposal by the Synod or any body or persons for carrying out the purposes of the Cathedral or for any other like purposes whatsoever subject to the power to delegate the control and management of any such funds to the Cathedral Wardens;
- (d) the regulation of duties and the fixing of the stipends allowances and conditions of residence of the Dean Precentor and of any other Clergy holding a stipendiary office of the Cathedral provided that the stipend allowances and conditions of residence of the Dean shall be subject to the approval of the Archbishop-in-Council;
- (e) the appointment and removal of all stipendiary lay officers of the Cathedral and the regulation of the duties and fixing of salaries and allowances of such officers, and without limiting the generality of the foregoing "such officers" shall be taken to mean and include the organist, choirmaster, verger, and the paid members of the Choir.

28. Subject to any statute law in force in the State and to any rights arising thereunder and to the Constitution and Canons and to any general or special direction of the Synod the Chapter shall -
- (a) have the control management and superintendence of the Cathedral property and affairs;
  - (b) exercise in respect to the Cathedral property and the income thereof all functions and powers exercisable by the Synod by virtue of section 13 of The Church of England Act of 1895 as amended and by virtue of section 2 of The Church of England Act of 1895 Amendment Act of 1901 as amended or exercisable pursuant to any other statute now in force or which may hereafter be in force or any deed will or other instrument relating to such property.
29. Cathedral property and the income thereof and all offertories and other monies to be received as income and applicable for the purposes of this Canon shall and may so far as is consistent with the expressed trusts if any affecting such property or income under the terms of the gift thereof or by virtue of any Act of Parliament in which such property is specifically mentioned be held and applied for the purposes mentioned in the two next succeeding sections of this Canon in such manner as the Chapter shall from time to time direct.
30. The purposes for which Cathedral property and capital monies representing the same shall and may be held and applied are the following -
- (a) the erection of the Cathedral and the improvement furnishing and ornamentation thereof;
  - (b) the purchase of any freehold lands for Cathedral purposes or for the purposes of any evangelic or educational work in connection therewith;
  - (c) the erection or improvement of any buildings or erections upon the Cathedral lands for Cathedral purposes or for the purposes of any evangelic or educational work in connection therewith;
  - (d) investment in the name of the Corporation of the Lesser Chapter of the Cathedral Church of Brisbane in the Anglican Development Investment Fund of the Corporation of the Synod of the Diocese of Brisbane;
  - (e) investment in the name of the Corporation of the Lesser Chapter of the Cathedral Church of Brisbane in any investments from time to time sanctioned by law for the investment of trust funds;

with liberty to deposit monies temporarily and pending permanent investment at interest at any bank in Queensland and from time to time to vary or transfer all or any of the investments for the time being into or for any other or others of the descriptions hereby authorised.

31. The purposes for which income shall and may be applied are the following:-

- (a) payment to the Cathedral Wardens for the payment of stipends salaries or other remuneration to the Dean or any of the officers of the Cathedral in connection with the Cathedral;
  - (b) the maintenance and repair of the Cathedral or any buildings or erections on Cathedral land;
  - (c) payment of any salaries stipends remuneration outgoings or expenses that may be payable for any Cathedral purposes or for the promotion of any evangelic or educational work in connection therewith;
  - (d) any of the purposes for which capital money may be applied under the provisions of this Canon and in particular the Chapter may from time to time direct that any income be accumulated for any period allowed by law and be invested as capital and any investments so acquired shall be deemed to be capital money for the purposes of this Canon.
- 31A. Notwithstanding sections 30 and 31, if after due consideration the Chapter considers it necessary to do so, subject to the prior approval of the Archbishop-in-Council, the Chapter may apply Cathedral property and capital monies, as referred to in section 30, for any of the purposes specified in items (a), (b) and (c) in section 31.
32. (1) In this section "prescribed matter" means any transaction relating to real property.
- (2) The proceedings of the Chapter relating to a prescribed matter shall be sufficiently reported to the next succeeding meeting of the Archbishop-in-Council.
- (3) No resolution of the Chapter dealing with a prescribed matter shall be lawful until the Archbishop-in-Council assents thereto.
33. All deeds titles and other valuable documents connected with the Cathedral and its estate and effects shall remain in the custody and care of the Chapter Clerk.

**SCHEDULE**  
(Section 2)

County: Stanley

Parish: North Brisbane

<i>Real Property Description</i>	<i>Area</i>	<i>Deed Reference</i>		
		<i>No.</i>	<i>Vol.</i>	<i>Fol.</i>
S.1 & B A.17 & R.3/4 S.1 & 2 A.2 & 3 SEC.52	(1r. 36.7p.) 1940 sq.m.	D/G -	6426	245
R.4 & S.5 & 6 R.2 & 3 S.1 & 2A A.3,4,15 & 16 SEC.52	1r. 12.2p.	D/G 137482	2965	242
R.7 S.3 A.4 & 15 SEC.52	1r. 7.7p.	D/G 137483	2965	243
A.14 & S.8 A.5 SEC.52	1r. 31.4p.	D/G 137484	2965	244
R.9 S.1 A.6 & 13 SEC.52	35.7p.	D/G 137485	2965	245
L.2 & 10 Plan B31227	3632 sq.m.	D/G -	6796	154
S.1 A.10 & 11 SEC.52	1r. 8.4p.	D/G 138627	3113	137
S.5 A.16 SEC.52	19.5p.	C/T 254796	1438	36
S.A A.17 SEC.52	11.76p.	C/T 186294	1118	34

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## NOTES

1. The *Cathedral Canon* is part of Schedule 2 of the *Consolidating Canon 1990* [assented to: 12 June 1990].
2. By the *Cathedral Investments Canon 1994* [assented to: 19 June 1994] -  
Sec. 30 was amended.
3. By the *Cathedral (Amendment) Canon 1995* [assented to: 17 June 1995] -  
Sec. 17 was amended.
4. By the *Cathedral Canon Amendment Canon 1998* [assented to: 20 June 1998] -  
Sec. 31A was inserted.
5. By the *Triennial Synod Canon 1998* [assented to: 20 June 1998] -  
Sec. 16 was amended.
6. By the *Professional Standards Canon 2004* [assented to: 20 June 2004] -  
Sec. 12 was amended.
7. By the *Diocesan Governance Canon 2004* [assented to: 20 June 2004, Schedule 2 Part B in  
operation: 1 October 2004] -  
Sec. 32 was amended.

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Anglican Church of Australia – Diocese of Brisbane

**By-laws made under the Cathedral Canon**

**BY-LAW – ABSENCE OF THE DEAN**

made by the Cathedral Chapter with the consent of the Archbishop on 10 April 2003.

[Section 23]

1. During the absence of the Dean on leave or incapacity, the Archbishop may, with the concurrence of the Chapter, appoint a member of the clergy by letter under his hand to be Locum Tenens for the Dean, and such person so appointed shall have control over the conduct of divine service at the Cathedral in accordance with Sections 3 and 8 of the Cathedral Canon during the absence of the Dean. Such appointment may be withdrawn by the Archbishop at any time in his absolute discretion; the letter of appointment may specify the term of appointment including its termination. On the return of the Dean to duty, any such appointment lapses forthwith.
2. By virtue of Sections 7, 8 and 9 of the Cathedral Canon, Chapter confers on the member of the clergy appointed by the Archbishop to be Locum Tenens for the Dean the duties and responsibilities of the Dean during the absence of the Dean: the member of the clergy so appointed shall administer the role, function, and authority of the Dean as is appropriate for a Locum Tenens during the term of that appointment.
3. Terms of remuneration for the Locum Tenens during such appointment shall be determined by the Archbishop after consultation with the Finance Committee of the Chapter.
4. The determination of the Dean's incapacity shall be, after appropriate advice, the judgement of the Archbishop in his absolute discretion.

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Anglican Church of Australia - Diocese of Brisbane

## **CATHEDRAL CONGREGATION CANON**

**A Canon to provide for the definition of the responsibilities of the accustomed worshippers at the Cathedral Church of St. John the Evangelist.**

### **Short Title**

1. This Canon may be cited as the "Cathedral Congregation Canon".

### **Interpretation**

2. In this Canon unless the context or subject matter otherwise requires or indicates -

"Book" includes any register, roll or other record of information however recorded, compiled or stored, and includes documentary, photographic, electronic and mechanical records;

"Cathedral" means the Cathedral Church of St. John the Evangelist erected on a site acquired for the purpose in Brisbane;

"Cathedral Organization" means any group of people, society or organization set up by the Dean, the Cathedral Wardens, or the Cathedral Parishioners, for the benefit of the fabric furnishing and precincts of the Cathedral and, or for the benefit or furtherance of the evangelic or educational work in connection therewith;

"Cathedral Parishioner" means a Member of this Church who is at least 18 years of age and who has been for a period of not less than three months and is an accustomed worshipper in the Cathedral;

"Chapter" means the Chapter constituted pursuant to the Cathedral Canon;

"Dean" means the person holding the office of Dean pursuant to the Cathedral Canon, or except as otherwise provided in this Canon if the office of Dean be vacant such other person as shall be appointed to act as Dean;

"Elector" means a communicant Cathedral Parishioner provided that such person shall not be an Elector in any other place;

"Records of the Cathedral" means such Records of the Church as are brought into existence pursuant to the operation of this Canon.

**Annual Meeting**

3. (1) A meeting (hereinafter called the "Annual Meeting") of the Cathedral Parishioners shall be held not later than the last day of February in each year.
- (2) Notice of the time and place of the Annual Meeting shall be fixed to a prominent notice board or to the principal door of the Cathedral for a period of not less than ten days including two Sundays immediately preceding the day of the Annual Meeting and such notice shall be in the form set out in Schedule 1; notice of such meeting shall also be given in writing or by announcement during every occasion of divine service held in the Cathedral on Sundays during the said period of notice.

**Cathedral Roll**

- 3A. (1) The Cathedral Wardens with the advice of the Dean shall keep in a Book the Roll of Cathedral Parishioners, and shall from time to time in the Roll register the name and address of any person entitled to be registered as a Cathedral Parishioner and shall cause the Electors to be identified in the Roll.
- (2) Any person desirous of being registered as a Cathedral Parishioner or identified in the Roll as an Elector shall sign the declaration contained in Schedule 3.
- (3) It shall be the duty of the Cathedral Wardens with the advice of the Dean to remove from the Roll of Cathedral Parishioners the name of any person who is no longer entitled to be registered as a Cathedral Parishioner, and in the Roll of Cathedral Parishioners to cease to identify as an Elector any person who is no longer entitled to be so identified.

**Cathedral Wardens**

4. (1) There shall be three Cathedral Wardens, each of whom shall be an Elector, and none of whom shall be Clergy or Stipendiary Lay Ministers.
- (2) One Cathedral Warden shall be appointed annually by the Dean at the Annual Meeting, either in person or in writing.
- (3) If in any year the Dean shall fail to appoint a Cathedral Warden by 15 March, or if the office of Dean be vacant at the time fixed for the Annual Meeting, the Chapter shall appoint a fit and qualified person to be a Cathedral Warden.
- (4) Two Cathedral Wardens shall be elected annually by the Electors at the Annual Meeting.

**Representatives in Synod**

5. (1) The Annual Meeting in a year required by the Synod Canon shall, by the Electors present and voting thereat, elect two lay persons who are Electors to represent the Cathedral in Synod.



- (2) The persons so elected, if not already members of the Cathedral Council, shall by such election become members of the Cathedral Council.

### **Member of the Chapter**

6. The Annual Meeting shall, by the Electors present and voting thereat, elect one lay person who is an Elector to be a member of the Chapter.

### **Cathedral Council**

7. There shall be a Cathedral Council which shall act as a council of advice to Chapter, to the Dean and to the Cathedral Wardens, which shall consist of the following persons -
  - (a) the Dean;
  - (b) any stipendiary or honorary Clergy licensed by the Archbishop as officers of the Cathedral or any Stipendiary Lay Ministers licensed by the Archbishop for duties in the Cathedral, appointed by the Dean to be members of the Council, to hold office until the next Annual Meeting except as provided hereunder;
  - (c) the Cathedral Wardens;
  - (d) the representatives of the Cathedral in Synod;
  - (dd) the lay person elected to be a member of the Chapter under the provisions of section 6 of this Canon;
  - (e) such other persons chosen as members of the Cathedral Council as is hereinafter provided.

### **Appointment and election of Members of the Cathedral Council**

8.
  - (1) The Dean may at any time appoint as members of the Cathedral Council up to five persons who are Electors, to hold office until the next Annual Meeting, except as provided hereunder.
  - (2) The Electors shall at the Annual Meeting elect as members of the Cathedral Council ten persons who are Electors, such persons not being Licensed Clergy or Stipendiary Lay Ministers, to hold office until the next Annual Meeting, except as provided hereunder.

### **Chairman**

9.
  - (1) The Dean shall be the Chairman of all meetings of the Cathedral parishioners, the Cathedral Wardens, or of the Cathedral Council held pursuant to the provisions of this Canon provided that the Dean may appoint another person entitled to attend such meeting to act as Chairman.

- (2) The Dean, if unable to attend any such meeting, may appoint in writing any person entitled to attend the meeting to act as Chairman.
- (3) In the absence of the Dean and of any person appointed to be Chairman as aforesaid, the meeting shall elect one of the Cathedral Wardens to act as Chairman, if one be present and willing to act, otherwise the meeting shall elect one of its members to act as Chairman.

### **Returning Officer**

10. The Dean shall be the Returning Officer for all appointments and elections held pursuant to this Canon.

### **Return**

11. The Dean and the Cathedral Wardens shall, not later than 15 March in each year transmit to the Chapter Clerk -
  - (a) the names and other details of the persons appointed or elected pursuant to this Canon as Cathedral Wardens, representatives in Synod and member of the Chapter;
  - (b) information concerning the Cathedral and its personnel, including statistical information for the year just past;
  - (c) the Cathedral Churchwardens' Annual Financial Return;and the following reports presented to the Annual Meeting -
  - (d) a copy of the Dean's Report;
  - (e) a copy of the Cathedral Wardens' Report;
  - (f) the audited Cathedral Wardens' Annual Financial Accounts.

### **Business at Annual Meeting**

12. At every Annual Meeting the order of business after prayers shall be -
  - (a) The presentation by the Dean of a report on activities associated with the Cathedral.
  - (b) The presentation by the Cathedral Wardens of the report of the work of the Cathedral Wardens and the Cathedral Council, and the presentation of the Cathedral Wardens' Annual Financial Accounts.
  - (c) The reception of the reports of any other Cathedral organizations.
  - (d) The appointment and election of Churchwardens.

- (e) In a year required by the Synod Canon, the election of persons to represent the Cathedral in Synod.
- (f) The election of one member of the Chapter.
- (g) The election of Cathedral Councillors.
- (h) The Dean may appoint persons to the Cathedral Council, pursuant to this Canon.
- (i) Any other Cathedral business brought forward by the Dean or Cathedral Wardens or of which seven days' notice in writing shall have been given to the Dean and Cathedral Wardens (who shall ensure that all such business is notified wherever possible to the Electors on at least one Sunday preceding the Annual Meeting).
- (j) Any business arising out of reports which has not already been dealt with.
- (k) The reading and confirmation of the minutes of the meeting unless this is delegated to the Cathedral Council.

### **Submission and Undertaking**

13. Before entering upon the duties of office each member of the Cathedral Council shall sign an undertaking in the form contained in Schedule 2, and, where required by the Constitution, the submission as therein required.

### **Vacancy**

14. (1) Where a person is required to be an Elector to hold any office, that office shall become vacant if the person ceases to be an Elector.
- (2) Any person holding any office provided for in this Canon, except an office by virtue of which the person becomes a member of the Chapter, may by writing addressed to the Dean resign that appointment.
- (3) A person who vacates an office for any reason does so without prejudice to any responsibility to which the person may be liable in respect of conduct in the said office.

### **Filling vacancies**

15. (1) A person elected or appointed to hold office as Cathedral Warden, representative in Synod, member of the Chapter or member of the Cathedral Council shall hold office except as otherwise provided in this Canon or the Cathedral Canon until a successor shall have been appointed.
- (2) If any of the aforesaid offices shall become vacant prior to the Annual Meeting some other fit and qualified person shall be elected by the Cathedral Council to fill the vacant office after notification in writing or by announcement at all services of public worship

in the Cathedral on the Sunday immediately prior to the meeting at which the vacancy is to be filled, and the person so elected shall continue and remain in office for the remainder of the term of the person who is being replaced; provided that, in the case of the Cathedral Warden appointed by the Dean, the Dean shall fill the vacancy and in the case of other persons appointed by the Dean, the Dean may fill the vacancy.

- (2A) If the office of representative in Synod is vacant at the time of an Annual Meeting (not being in a year when an election for representatives in Synod is required by the Synod Canon) the election of a person to fill the vacancy for the remainder of the term of the Synod then current shall be placed on the agenda for the Annual Meeting and shall become part of the business of that meeting.
- (3) In the event that the Electors at an Annual Meeting fail to elect the required number of Councillors or to fill any other position which is required to be filled by them under this Canon then the Cathedral Council shall fill any such vacancy.

### **Special Meeting of Cathedral Parishioners**

16. The Dean may, and shall on receiving a written requisition to that effect signed by the Cathedral Wardens or by a majority of the members of the Cathedral Council or by ten Cathedral Parishioners, convene a meeting of Cathedral Parishioners for the consideration of special business and shall give notice thereof in the manner hereinbefore set out for the holding of the Annual Meeting, such notice to specify the nature of the special business to be considered at such meeting.

### **Meetings of the Cathedral Council**

17.
  - (1) The Cathedral Council shall meet at least once in every three months at such times as it shall from time to time decide.
  - (2) The Dean may, and shall on receiving a written requisition to that effect signed by the Cathedral Wardens or by a majority of the members of the Cathedral Council, convene a meeting of the Council.
  - (3) Notice of any meeting of the Cathedral Council whether ordinary adjourned or special shall be given in such manner as the Cathedral Council shall decide and in the absence of such a decision then at services on the Sunday immediately preceding the holding of such meeting provided that nothing in this section shall be construed to prevent notice being given by any additional method.

### **Quorum**

18.
  - (1) At all meetings of Cathedral Parishioners the quorum for the transaction of business shall be ten Electors.
  - (2) At a meeting of the Cathedral Council the quorum for the transaction of business shall be five members.

**Minutes**

19. (1) The Chairman shall ensure that minutes of the proceedings and resolutions of every meeting of Cathedral Parishioners are duly and regularly entered in a book to be kept for that purpose.
- (2) The minutes so entered shall be read aloud and confirmed at the close of the meeting to which they relate, except that the meeting may resolve to delegate the confirmation of the minutes to the Cathedral Council in which case they shall be confirmed at the next meeting thereof.
- (3) In the case of a meeting of the Cathedral Council the minutes so entered may be read aloud and confirmed at the close of the meeting to which they relate, and if not so dealt with they shall be confirmed at the next meeting thereof.
- (4) A copy of the agenda and minutes of each meeting of the Cathedral Parishioners and of the Cathedral Council shall be sent to the Chapter Clerk within fourteen days after each meeting.

**Annual Reports**

20. (1) The Dean shall present to the Annual Meeting a report on activities associated with the Cathedral for the past year.
- (2) The Cathedral Wardens shall present to the Annual Meeting a report of the work of the Cathedral Wardens and of the Cathedral Council during their term of office.
- (3) The Cathedral Wardens shall present to the Annual Meeting the Cathedral Wardens' Annual Financial Accounts, being a duly audited account of the moneys received and disbursed during the last financial year (including all moneys received and disbursed by or for any Cathedral organization).

**Archbishop's Prerogative**

- 20A. (1) The Archbishop or the duly appointed representative of the Archbishop shall have the right to attend preside at and take part in any meeting of Cathedral Parishioners and shall be ex officio a member of the Cathedral Council.
- (2) The Archbishop or the representative of the Archbishop shall not be counted for the purpose of reckoning if a quorum be present, nor in the case of the Cathedral Council for the purpose of reckoning the number of the quorum.

**Dean a Member of Committees etc.**

21. The Dean shall be a member ex officio of all committees whether appointed by the Cathedral Council or by the Cathedral Parishioners.

**Duties of Cathedral Wardens**

22. The Cathedral Wardens shall be responsible to the Chapter to -
- (a) provide and preserve all things needful for the decent celebration of divine service the administration of the sacraments and rites of the Church and safekeeping of Records of the Cathedral;
  - (b) subject to the provisions of the Cathedral Canon, receive all payments directed to the Cathedral Wardens; receive the offertory and enter after each service in a book to be kept for that purpose the amount collected;
  - (c) pay all special collections and all offerings made for a special purpose to the objects specified;
  - (d) make provision for the punctual payment of the stipends of the Dean, the stipends of other stipendiary Clergy appointed to the Cathedral, and the salaries of all other paid Cathedral officers;
  - (e) deduct and transmit to the General Manager, or such other persons or bodies as may be required, contributions directed to be made by the following Canons -  
    Long Service Leave Canon,  
    Superannuation Canon,  
and contributions set out in a Schedule of Parish Contributions adopted by Synod;
  - (f) in conjunction with the Dean, approve any special collections;
  - (g) take care that all persons be placed as conveniently as possible during the celebration of divine service;
  - (h) take care that order and quiet be preserved in and about the Cathedral during the celebration of divine service;
  - (i) insure the Dean and other Clergy and all lay workers employed by the Cathedral under a Workers' Compensation policy issued by WorkCover Queensland if required to do so by the Board of Management under the Insurance Canon 1997 and as the Board may direct;
  - (j) report to the Chapter at such intervals and in such form as the Chapter shall request as to their compliance with the provisions of this Canon.

**Records of the Cathedral**

23. (1) The Dean shall keep and have in his custody proper books and records as follows -
- (a) Register of Baptisms;
  - (b) Register of persons admitted to Holy Communion prior to Confirmation;

- (c) Register of Confirmations;
  - (d) Register of Marriages;
  - (e) Register of Funerals (including Cremations);
  - (f) Register of Services held in the Cathedral.
- (2) The Cathedral Wardens, with the advice of the Dean, shall take care that a Roll of Cathedral Parishioners is kept and maintained, and that in the Roll the Electors are identified.
- (3) The Cathedral Wardens shall ensure that the following records are kept and maintained -
- (a) financial records and accounts;
  - (b) minutes of meetings of Cathedral Parishioners and of meetings of the Cathedral Council;
  - (c) inventory of the property of the Cathedral;
  - (d) the Diocesan handbook.

#### **Authority of the Chapter**

24. The Chapter may settle and determine all doubts and disputes which may arise with reference to any elections or the transaction of business by Cathedral officers or by a meeting of Cathedral Parishioners or the Cathedral Council and may give authority or permission for the extension of any time set out in this Canon for the doing of any act or the holding of any meeting.

#### **Removal from office**

25. The Chapter may by resolution notified in writing remove from office any Cathedral Warden or Cathedral Councillor for non-compliance with the provisions of the Constitution and Canons of the Diocese or for any other cause which may to them seem sufficient.

#### **SCHEDULE 1** [Section 3]

Notice is hereby given that the Annual Meeting of the Cathedral parishioners of St John's Cathedral will be held in [place of meeting] on [day] the [date] at [time].

Dated this [date].

Signed: [Dean]

The Agenda for the Annual Meeting will be as follows:

[here insert order of business adapted from Section 12 of this Canon]

**SCHEDULE 2**

[Section 13]

I, A.B., do hereby consent to be bound by the Constitution and Canons of the Diocese of Brisbane and do hereby undertake to execute faithfully the office of C. to the best of my knowledge and ability.

**SCHEDULE 3**

(Section 3A)

I, A.B., of (address) do hereby declare that -

1. I am baptised;
2. I am a member of the Anglican Church of Australia and of no Church which is not in communion with this Church;
3. I am at least 18 years of age;
4. I have been for a period of not less than three months and am an accustomed worshipper in the Cathedral Church of St John the Evangelist, Brisbane;
5. I claim to be a Parishioner of the said Cathedral;
6. I am not an Elector for any other Parish;
- 7.\* I am a communicant and claim to be an Elector of the said Cathedral.

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(Signature of Declarant)

\* Strike out if inapplicable

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**NOTES**

1. The *Cathedral Congregation Canon* is part of Schedule 2 of the *Consolidating Canon 1990* [assented to: 12 June 1990].
2. By the *Cathedral (Amendment) Canon 1995* [assented to: 17 June 1995] -  
Secs 2, 7 and 15 were amended.  
Secs 3A, 20A and Schedule 3 were inserted.
3. By the *Insurance Canon 1997* [assented to: 21 June 1997] -  
Sec. 22 was amended.
4. By the *Triennial Synod Canon 1998* [assented to: 20 June 1998] -  
Secs 5, 12 and 15 were amended.
5. By the *Youth Synod Canon Repeal Canon 2003* [assented to: 28 June 2003] -  
Sec. 12 was amended.
6. By the *Diocesan Governance Canon Miscellaneous Amendments Canon 2005* [assented to: 18 June 2005] -  
Sec. 22 was amended.



7. By the *Treasurer (Abolition of Office) Canon 2013* [assented to: 22 June 2013] -  
Sec. 22 was amended.

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Anglican Church of Australia - Diocese of Brisbane

## **CEMETERIES CANON**

**A Canon to regulate the disposition on Church property of the earthly remains of deceased persons and to provide for the maintenance of such places.**

### **PART I - PRELIMINARY**

#### **Short Title**

1. This Canon may be cited as the "Cemeteries Canon".

#### **Division of this Canon**

2. This Canon is divided into the following parts -  
  
Part I - Preliminary (Sections 1 - 5)  
Part II - Control and Maintenance (Sections 6 - 22)  
Part III - Administration (Sections 23 - 31).

#### **Interpretation**

3. In this Canon or in any Regulation or rule made pursuant to the provisions of this Canon, unless the context or subject matter otherwise requires or indicates -

"Board" means the Board constituted in accordance with the provisions of this Canon to control a Cemetery or a Place for Ashes;

"Cemetery" means any piece of land vested in or held in trust for the Corporation or the Corporation of the Lesser Chapter of the Cathedral Church of Brisbane where the interment of the dead has been authorized or shall be authorized pursuant to the provisions of this Canon;

"Legal Personal Representative" means, if no executor or administrator of the estate of a deceased person be available, the next of kin of the deceased person;

"Place for Ashes" means any place on land vested in or held in trust for the Corporation or the Corporation of the Lesser Chapter of the Cathedral Church of Brisbane where the burial, dispersal or disposition of the ashes of a person has been authorized or shall be authorized pursuant to the provisions of this Canon and includes a columbarium;

"Regulation" means a regulation made pursuant to the provisions of this Canon.

**Saving of certain rights**

4. Nothing contained in this Canon shall be construed so as to affect any rights for the remains of any person to be buried in a particular Cemetery, or in a particular place in a Cemetery, or for the ashes of a person to be disposed of in a particular place, arising from any permission lawfully given before the coming into force of this Canon.

**Regulations may be made**

5. The Archbishop-in-Council may from time to time make, amend or repeal Regulations not inconsistent with the provisions of this Canon, providing for all or any of the purposes whether general or to meet particular cases, which may be convenient for the administration of this Canon or which may be necessary or expedient to carry out the objects and purposes of this Canon.

**PART II - CONTROL AND MAINTENANCE**

**Boards**

6. Subject to this Canon and the Regulations each Cemetery and Place for Ashes shall be under the control of a Board constituted as follows -
  - (a) in respect of a Parish, the parish priest together with the churchwardens;
  - (b) in respect of any other site vested in or held in trust for the Corporation, a Board appointed for the purpose by the person or persons in whom the control of the site is vested.

**New Cemeteries etc. and their extension**

7. In respect of any site vested in or held in trust for the Corporation, the Archbishop-in-Council may authorize -
  - (a) the extension of existing Cemeteries and the provision of new Cemeteries;
  - (b) subject to the provisions of this Canon, the extension of existing Places for Ashes and the provision of new Places for Ashes;

on such terms and conditions as he may think fit, on the application of the Board, or of those persons who would constitute the Board, as the case may be.

**No further columbaria to be provided**

8. The provision of any new columbarium shall not be authorized.

**Cathedral property**

9. The Chapter constituted under the provisions of the Cathedral Canon may with the consent of the Archbishop authorize burials on any land vested in or held in trust for the Corporation of the Lesser Chapter of the Cathedral Church of Brisbane or the placing of ashes in or upon any such land on such terms and conditions as the Chapter may think fit, and for the purposes of this Canon shall be the Board in respect of such property.

**Ashes may be placed in Cemeteries**

10. (1) The Board of any Cemetery may permit ashes to be placed in any grave in the Cemetery subject to the consent of the Legal Personal Representative of a person whose body is interred in such grave.
- (2) The Board of any Cemetery may set apart a piece of land in such Cemetery wherein no body is buried for the interment of ashes.

**Unauthorized burials etc. prohibited**

11. No burial or the placing of ashes shall take place or be permitted in or upon any land vested in or held in trust for the Corporation or the Corporation of the Lesser Chapter of the Cathedral Church of Brisbane except in accordance with the provisions of this Canon and the provisions of any statute in force in the State of Queensland at the time.

**Rules concerning who may be buried etc.**

12. The following may from time to time make amend or repeal rules, not inconsistent with this Canon or the Regulations setting out the qualifications of a person whose remains or ashes may be buried in a Cemetery or placed in a Place for Ashes -
- (a) in respect of a Parish, the parish council with the consent of the parish priest;
- (b) in respect of any other site vested in or held in trust for the Corporation, the person or persons in whom the control of the site is vested with the consent of the Archbishop.

**Application for burial etc.**

13. (1) Application for burial in a Cemetery or for the placing of ashes shall be made in writing to the Board and shall be accompanied by the proper fees and charges or a written guarantee to the satisfaction of the Board for the payment of the proper fees and charges.
- (2) In considering, and agreeing to or rejecting such application, the Board shall adhere so far as is practicable to any rules in force in respect of such Cemetery or place, and in the absence of any such rules the Board shall have the discretion to agree to or reject such application.

**Location of burial etc.**

14. Where the Board has agreed to an application for a burial or the placing of ashes, the Board shall have the discretion to determine the place where the burial is to take place or the ashes are to be placed, and shall then permit the burial or placing of ashes in such place.

**Removal of bodies**

15. No body or the remains of any body which may have been buried in any Cemetery shall be removed except in accordance with the provisions of any statute in force in the State of Queensland and with the consent of the Archbishop-in-Council first obtained.

**Legal Personal Representative may remove ashes from a columbarium**

16. A Board which has control of a columbarium shall permit the Legal Personal Representative of a person whose ashes have been placed in the columbarium to remove the ashes together with any plaque or marker identifying such ashes at any time.

**Rules concerning monuments etc.**

17. The Board may from time to time make, amend or repeal rules, not inconsistent with this Canon or any Regulations, setting out the design, size, materials and wording of any monument, tombstone, plaque or marker which may be placed in the Cemetery or Place for Ashes, and setting out conditions under which the Board may agree to their being placed.

**Application for monuments etc.**

18. (1) Application to place a monument, tombstone, plaque or marker in a Cemetery or Place for Ashes shall be made in writing to the Board, and shall be accompanied by the proper fees and charges or a written guarantee to the satisfaction of the Board for the payment of the proper fees and charges.  
(2) Such application shall be accompanied by a plan or drawing of the proposed monument, tombstone, plaque or marker, together with any inscriptions proposed to be placed thereon.

**Removal of monuments etc.**

19. (1) When any monument, tombstone, plaque or marker has been placed or built in a Cemetery or Place for Ashes contrary to the terms and conditions upon which permission to place or build the same was granted or in case such terms or conditions or the rules in force in such Cemetery or Place for Ashes have not been complied with, the Board thereof may after thirty days' notice given to the Archbishop-in-Council and to the person or to the Legal Personal Representative of the person to whom such permission was granted remove such monument, tombstone, plaque or marker unless

the Archbishop-in-Council shall before the monument, tombstone, plaque or marker shall have been removed prohibit such removal.

- (2) If in the opinion of the Board any monument, tombstone or other thing in the Cemetery or Place for Ashes is or may become dangerous or may tend to be dangerous to persons in or about the Cemetery or Place for Ashes, the Board may give notice to the person or to the Legal Personal Representative of the person to whom permission was granted to place such monument, tombstone or other thing or who placed such monument, tombstone or other thing to render the same safe or to remove the same, and after the expiration of thirty days (or of such shorter time as the Board shall determine if the monument, tombstone or other thing is in the opinion of the Board a present danger to persons in or about the Cemetery or Place for Ashes) the Board may remove the same.

### **Appeal from a decision of a Board**

20. Where a Board has rejected an application for burial in a Cemetery, or for the placing of ashes, or for the placing of a monument, tombstone, plaque or marker in a Cemetery or Place for Ashes, or where a Board has granted such application on conditions unacceptable to the person making the application, the person making such application may appeal in writing to the Archbishop-in-Council, and the decision of the Archbishop-in-Council on the appeal shall stand as a decision of the Board in the matter.

### **Responsibility for the maintenance of monuments etc.**

21. Any grave, vault, monument or tombstone dug, made or erected in any Cemetery or Place for Ashes shall be maintained by the Legal Personal Representative of the person whose remains have been buried therein or thereunder, saving any rights under the Canons previously in force.

### **Closure**

22. Whenever it shall appear desirable to the Archbishop-in-Council that any Cemetery or any Place for Ashes or part of any such Cemetery or place should be closed for burials or for the placing of ashes, he may declare that such Cemetery or Place for Ashes or part thereof shall be closed and thereafter no burial or placing of ashes (as the case may be) shall take place therein except by the consent of the Archbishop-in-Council, saving any rights arising under any permission issued under the provisions of this Canon or of any Canon previously in force.

## **PART III - ADMINISTRATION**

### **Maintenance**

23. So far as the funds provided to the Board shall extend the Board shall in respect of any Cemetery or Place for Ashes of which it is the Board be empowered to -

- (a) enclose the same with proper and sufficient rails and fences and erect suitable gates and entrances, and lay out and ornament the same in such manner as may be most convenient and suitable for the burial of the dead;
- (b) preserve and maintain and keep in a clean and orderly state and condition, and cause to be maintained and kept the whole of the same, its fences and all monuments, tombstones, enclosures buildings, erections and walks therein or belonging thereto.

**Responsibility for maintenance**

- 24. The fees and charges levied pursuant to this Canon shall be received by the person or persons in whom control of the site is vested, and shall be made available to the Board for the discharge of their duties under this Canon, and in addition the said person or persons may provide the Board with such moneys as may be necessary so that the Cemetery or Place for Ashes may be preserved, maintained and kept in a clean and orderly state as aforesaid.

**Archbishop-in-Council may set maximum fees**

- 25. The Archbishop-in-Council may by Regulation set a maximum scale of fees to be charged in respect of burials or the placing of ashes in all or particular Cemeteries or Places for Ashes.

**Fees to be charged**

- 26. Subject to the provisions of this Canon the person or persons in whom the control of the site is vested may make rules setting fees and other charges which shall be payable in respect of burials in any Cemetery and of the placing of ashes, and in the absence of any such rules, the Board shall set such fees and other charges at its discretion, subject to the provisions of this Canon.

**Burial of poor persons**

- 27. The Board may, notwithstanding anything contained in this Canon or in any Regulation or rule made pursuant to this Canon, permit any poor person to be buried or any poor person's ashes to be placed, free from any fee or charge whatsoever.

**Fees etc. to be accounted for**

- 28. The persons receiving the fees and charges made pursuant to this Canon shall include such moneys in their annual accounts, and shall account similarly for the moneys expended by them or by the Board pursuant to this Canon.

**Plans**

- 29. The Board of each Cemetery and columbarium shall from time to time cause plans to be made of the Cemetery or columbarium, showing the position of all burials and placing of ashes.

**Registers**

30. The Board of each Cemetery and Place for Ashes shall cause a register to be kept of all burials and placing of ashes.

**Boards to report**

31. The Archbishop-in-Council may from time to time require each Board to furnish returns providing the details of plans and registers, dates and frequency of burials and placing of ashes, any rules made pursuant to this Canon, the condition of such Cemetery and Place for Ashes, and such other matters relating to this Canon as the Archbishop-in-Council may determine.

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Anglican Church of Australia - Diocese of Brisbane

## **CHURCH INSTITUTIONS CANON**

**A Canon to regulate the use of names and descriptions relating to the Anglican Church of Australia by Church Institutions.**

### **Short Title**

1. This Canon may be cited as the "Church Institutions Canon".

### **Interpretation**

2. In this Canon or in any regulation made pursuant to this Canon unless the context or subject matter otherwise requires or indicates -

"Church Institution" means a Society authorized pursuant to the provisions of this Canon to use the Church Name;

"Church Name" means -

- (a) each of the names or descriptions "Church of England", "Church of England in Australia", "Anglican Church of Australia" or "Anglican", and
- (b) any name, initials, word, title, addition, symbol or description which, either alone or in conjunction with other matter:
  - (i) refers to this Church or an instrumentality of this Church, or
  - (ii) implies, or tends to the belief, or indicates, or is capable of being understood to indicate, or is calculated to lead persons to infer, that it is a reference to this Church or an instrumentality of this Church;

"Committee" means the persons entrusted with the management of a Society;

"Society" means and includes any group of people society company or organization, whether incorporated or not.

### **Archbishop-in-Council may grant authorization**

3. The Archbishop-in-Council may in accordance with this Canon authorize a Society to use the Church Name, and in so doing may apply conditions to such use, and until such authorization is revoked in accordance with this Canon or is relinquished by the Society such Society shall be a Church Institution.

**Aims and objects of a Church Institution**

4. (1) The aims and objects of a Church Institution shall be compatible with the aims, objects or welfare of this Church.
- (2) The means of carrying out the aims and objects of a Church Institution shall be compatible with the aims, objects or welfare of this Church.

**Constitution of a Church Institution**

5. There shall be provision in the constitution of a Church Institution for one or more persons to be elected or appointed by the Synod or the Archbishop or the Archbishop-in-Council to the Committee of the Society, or for the Archbishop to be the visitor of the Society and to exercise in connection therewith the ordinary and recognized powers of a visitor and (without limiting the generality of the foregoing) especially -
  - (a) the right to hold enquiries into the conduct of the Society;
  - (b) the right to call for the production and inspection of all accounts and other necessary papers;
  - (c) the right to arbitrate and decide in any differences that may have arisen or may at any time arise between the officers or members of the Society.
- 5A There shall be, from 1 January 2006, a provision in the constitution of any Church Institution providing that:
  - (1) the Church Institution acknowledges that it is a Church Body (as defined in the Professional Standards Canon); and
  - (2) the Church Institution will take such steps as the Archbishop-in-Council may from time to time prescribe to ensure that any person employed by it or holding a position or performing a function with the actual or apparent authority of the Church Institution is bound by and subjected to the provisions of the Professional Standards Canon.

**Information required**

6. (1) A Society shall make application through its Committee to the Archbishop-in-Council for authorization to use the Church Name, and such application shall set forth and include -
  - (a) a copy of the constitution rules and by-laws of the Society certified as correct by the principal officer and the secretary;
  - (b) the names of the persons constituting the Committee;
  - (c) the manner and style in which it is desired to use the Church name.
- (2) The Archbishop-in-Council may require the Committee to provide such further and other information and particulars as it may deem necessary.

**Alteration of constitution**

7. After an application by a Society has been granted in pursuance of the provisions of this Canon, no alteration shall be made in the constitution thereof without the consent of the Archbishop-in-Council first obtained.

**No liability incurred by the Corporation**

8. The Archbishop-in-Council shall not by the grant of any authority under this Canon be deemed to have undertaken on behalf of the Corporation any liability incurred by the Society to which the authorization is granted.

**Report to Synod**

9. Each Society authorized under the provisions of this Canon to use the Church Name shall report to each annual session of Synod in such time as the Registrar may from time to time determine so that the report may be printed and circulated to members of Synod.

**Other Societies authorized**

10. Any Society is deemed to be a Church Institution and to be authorized to use the Church Name while it is wholly or partly supported by grants from the funds of the Corporation made or authorized by the Synod, the Archbishop-in-Council or the Property and Finance Board, and while it presents a report and statement of accounts to the annual session of Synod.

**Regulations**

11. The Archbishop-in-Council may from time to time make, amend or repeal such regulations not inconsistent with this Canon as may be considered necessary or expedient to give effect to this Canon.

**Savings**

12. Any Society which was granted the authority to be a Church Institution pursuant to the provisions of the Canons heretofore in force is deemed to be a Society authorized by the Archbishop-in-Council under the provisions of this Canon to use the Church Name, and shall henceforth be subject to the provisions of this Canon.

**Revocation of authority**

13. The Archbishop-in-Council may at any time call upon the Committee of any Church Institution to show cause why the authority granted to it to use the Church Name should not be revoked and unless due cause is shown the Archbishop-in-Council may revoke such authority.

**NOTES**

1. The *Church Institutions Canon* is part of Schedule 2 of the *Consolidating Canon 1990* [assented to: 12 June 1990].
2. By the *Professional Standards Canon 2004* [assented to: 20 June 2004] -  
Sec. 5A was inserted.

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Anglican Church of Australia - Diocese of Brisbane

## **DIOCESAN COUNCIL CANON**

### **A Canon constituting the Diocesan Council and declaring its powers.**

#### **Short Title**

1. This Canon may be cited as the "Diocesan Council Canon".

#### **Constitution of Council**

2. The Diocesan Council shall consist of the following persons -
  - (a) the Archbishop,
  - (b) the Assistant Bishops,
  - (c) the Chancellor,
  - (d) members elected or appointed as hereinafter provided.

#### **Election of members by Synod and nominations**

3.
  - (1) At the first ordinary session of each term of the Synod there shall be elected five clerical members of Synod and five lay persons who are Electors to be members of the Diocesan Council.
  - (2) Subject to this Canon, a person elected under subsection (1) holds office until the end of the first session of the next term of the Synod and is eligible for re-election.
  - (3) The Diocesan Council may nominate candidates for election to the Diocesan Council and must provide to the Synod reasons for its recommendations. No nomination is required under the Election by Synod Canon in respect of candidates for election nominated by the Diocesan Council. Other candidates for election may be nominated in accordance with the Election by Synod Canon.
  - (4) There shall be a nominations committee comprising four persons appointed by the Diocesan Council and one person appointed by the Archbishop. A member of the nominations committee may be removed from office by their appointer. The persons appointed must be qualified to be elected as members of Diocesan Council under this Canon and may be members of Diocesan Council. The nominations committee:
    - (a) must make recommendations to the Diocesan Council of candidates for election as members of the Diocesan Council; and
    - (b) may be asked by the Diocesan Council to assess and make recommendations in respect of persons proposed to be appointed to the Diocesan Council under this Canon.

- (5) The nominations committee must:
- (a) consider the mix of skills required to carry out the functions of the Diocesan Council, the time that current members of Diocesan Council have served and whether new members would contribute and add value to the Diocesan Council;
  - (b) endeavour to identify candidates both clerical and lay from each region of the Diocese; and
  - (c) endeavour to achieve a balance of gender amongst the candidates.

The Diocesan Council must consider these matters in nominating candidates for election.

- (6) The Diocesan Council must provide to the members of Synod a list of candidates together with biographical details, to the extent such details are provided by the candidates.

#### **Appointment by Archbishop**

4. (1) The Archbishop may from time to time appoint up to two persons who are qualified under this Canon to hold office as members of the Diocesan Council.
- (2) A person appointed under this section must either be a clerical member of Synod or an Elector.
- (3) Subject to this Canon, a person appointed under this section holds office until the end of the first session of the next term of the Synod after the term during which they were appointed and is eligible for re-appointment.

#### **Certain persons disqualified**

- 4A. (1) Despite any other provision of this Canon, a person must not be appointed or elected as a member of Diocesan Council under this Canon, and such appointment or election will be of no effect if:
- (a) in the case of an appointment, the person holds a Disqualifying Office at the time that they are appointed;
  - (b) in the case of election, the person holds a Disqualifying Office at the time that they are elected and does not resign that office within 7 days of being elected as a member of Diocesan Council; or
  - (c) the person is, or was during the immediately preceding term of the Synod, a member of the Diocesan Council and has been a member of the Diocesan Council for the Maximum Period.

- (2) A Disqualifying Office under this Canon means:
  - (a) General Manager;
  - (b) Chair of a Commission formed under the Diocesan Governance Canon;
  - (c) executive director, chief executive or like position of a Commission formed under the Diocesan Governance Canon;
  - (d) executive director, chief executive or like position of an Agency, as defined in the Diocesan Governance Canon; and
  - (e) Principal of a School, each as defined in the Diocesan Governance Canon.
- (3) The Maximum Period under this Canon means four consecutive terms of the Synod provided that for the purpose of calculating that period:
  - (a) if a person is appointed to the Diocesan Council during a term of the Synod, they will be taken to have served the entire term during which they were appointed; and
  - (b) if a person resigns or is removed from the Diocesan Council during the fourth consecutive term of the Synod in which they have been a member of the Diocesan Council, then they will be taken to have served for that entire term.
- (4) If a member of the Diocesan Council ceases to be an Elector, then they will cease to be member of the Diocesan Council four months after ceasing to be an Elector unless before that time the person again qualifies as an Elector.

**Chairman**

5. (a) The Archbishop shall be Chairman of the Council, provided that if he shall be unable to be present he may by writing under his hand appoint a person, being a member of the Council, to preside at that meeting.
  - (b) If the Archbishop shall not have appointed a Chairman as aforesaid, or if that person so appointed shall be unable to be present, the Archbishop's Commissary shall preside, and if he be unable to be present, then the person next in ecclesiastical rank, as provided for in the Constitution, shall preside at that meeting.

**Quorum**

6. The quorum for any meeting of the Diocesan Council shall be the Chairman as aforesaid, and in addition three Clerical and three lay members of the Council.

**Voting at meetings**

7. All resolutions and decisions of the Council shall be passed in the following manner -

the votes of clerical and lay members of the Council shall unless required to be taken separately be taken collectively and any resolution or decision so taken shall be deemed to have been duly passed by the Council, provided that on the request of the Chairman or any three of the clerical or three of the lay members the votes of the Clergy and laity shall be taken separately and in that case the assent of the Chairman and a majority of the Clergy and a majority of the laity shall be requisite to the passing of such resolution or decision.

### **Meetings**

8. The Council shall meet once every month unless the Council decides otherwise and also at such other times as shall be necessary for the transaction of business; special meetings may be convened by the Archbishop as may be required.

### **Conduct of business**

9.
  - (1) The Council may conduct its business in any way it sees fit subject to the Canons and Constitution.
  - (2) Without limiting subsection (1), the Diocesan Council:
    - (a) may invite any person to observe its meetings or to provide information to it; and
    - (b) will, in the ordinary course, invite the executive director or chair of each Commission formed under the Diocesan Governance Canon to attend its meetings and speak to any report of the Commission and provide such other information as is required by the Diocesan Council but this does not prevent the Diocesan Council from meeting without such executive directors or chairs as it determines and in accordance with good governance practice.

### **Resolution outside meetings**

10.
  - (1) The Archbishop may circulate at any time to members of the Council a draft resolution which, if agreed to by a majority of the Clerical members and a majority of the lay members of the Council and received by the Registrar, shall be deemed to be a resolution of the Council duly passed at a meeting thereof.
  - (2) Any such resolution may consist of several documents in like form, each containing assent by one or more members of the Council and may be circulated and received by facsimile or electronically.

### **Seat on Council may be declared vacant**

11. In the event of any member of Council being absent for four consecutive meetings without permission or being guilty of such misconduct as to interfere seriously with the conduct of business it shall be lawful for the Council to declare the seat of such member vacant.



### **Functions and powers of Diocesan Council**

12. (1) The functions of the Diocesan Council are to:
- (a) provide advice to the Archbishop, as required between sessions of Synod, for the good governance of the Church;
  - (b) oversee and direct the broad directions and priorities of the Church in this Diocese and oversee, monitor and control the directions, policies and operations of the Commissions formed under the Diocesan Governance Canon, so as to achieve the mission and fundamental objectives of the Church in this Diocese;
  - (c) prepare the business for each session of the Synod to ensure the effective governance and management of the Church in this Diocese;
  - (d) listen to, debate and formulate responses to issues confronting this Diocese, the Anglican Church of Australia or the Worldwide Anglican Communion in order to fully participate in the Anglican Communion; and
  - (e) discharge its responsibilities under the Constitution and Canons.
- (2) The powers conferred by this Canon and each other Canon on the Diocesan Council may be exercised by it from time to time and it shall not be necessary for the Diocesan Council to submit to the Synod for ratification any act done by virtue of the powers delegated to the Diocesan Council.

### **Transitional**

- 12A. At the first ordinary session of the Synod to be held in June 2008, the Diocesan Council may nominate candidates for election to the Diocesan Council pursuant to Section 3(3) notwithstanding that a nominations committee has not been appointed.
- 12B. To avoid doubt, it is declared that membership of the Diocesan Council prior to the commencement of the Diocesan Council Canon Amendment Canon 2008 is not taken into account for the purpose of section 4A.

### **Powers of the Diocesan Council**

13. It shall be the duty of the Diocesan Council when the Synod is not in session and they are hereby authorised and empowered subject to any general or special direction of the Synod to do all or any of the following things that is to say -
- (a) to manage and administer all the real and personal property held by the Synod or by any person or corporation in trust for the Synod;

- (b) to purchase such real or personal property as they may think fit for the purposes of the Church or of the Diocese;
- (c) to sell mortgage lease or otherwise deal with any real or personal property held by the Synod or any person or corporation in trust for the Synod;
- (d) to manage and administer any funds raised or received for the purposes of the Diocese including any special grants intrusted to their disposal by the Synod or by any person;
- (e) to take such action in all matters which may from time to time be referred to or delegated to it by the Synod as appears necessary or expedient;
- (f) to manage and invest funds held by the Corporation and in the exercise of these powers and responsibilities the Council is authorized to:
  - (i) accept money on deposit;
  - (ii) borrow, raise or otherwise obtain financial accommodation, including by the issue of debentures, bonds or other securities;
  - (iii) advance or lend money or otherwise make financial accommodation available or enter into financial arrangements with or without security, at such rate of interest (if any) or for such other consideration (if any) and on such terms as to repayment and otherwise as the Council may authorize;
  - (iv) issue, draw, accept, endorse or discount bills of exchange, promissory notes, payment orders or other negotiable instruments;
  - (v) enter into any transaction for the purpose of managing or varying financial returns or financial or currency risks or obligations or returning a gain or avoiding a loss by reference to currency exchange rate movements, interest or discount rate movements or any other risk management transaction or agreement.

**Report and accounts**

14. The Council shall prepare for presentation to the Synod at each ordinary session a report of their proceedings during the past year together with a full account of the receipts and disbursements of all funds under the control and management of the Council and the same shall be printed and sent to every member thereof at least fourteen days before the meeting thereof.

**Minute book to be kept**

15. A minute of every resolution or proceeding agreed to at any meeting of the Council shall be entered in a book to be kept for that purpose and such minute book or a certified copy thereof shall be laid before the Synod at the commencement of each session of the Synod.

### **Delegation to Committees**

16. The Diocesan Council may delegate any portion of its powers except the power of delegation to Committees the membership of which is not limited to members of the Council but the powers so delegated shall be strictly defined and shall be revocable by the Diocesan Council at pleasure.

### **Advisers and committees of advice**

17.
  - (1) The Diocesan Council from time to time may appoint individual persons as advisers and may appoint committees of advice in any matters which relate to the duties or responsibilities of the Synod or the Council, and at the request of the Archbishop in any matters which relate to the duties or responsibilities of the Archbishop, in each case to hold such appointment until the first meeting of the Diocesan Council held next after the annual session of Synod, or as provided in the next sub-section.
  - (2) Any appointment as an adviser or as a member of a committee of advice may be revoked by the Diocesan Council at pleasure, and shall expire if the person so appointed resigns in writing to the Archbishop.
  - (3) The Archbishop may with the consent of the Synod and when the Synod is not in session with that of the Diocesan Council appoint from time to time any such advisers or members of a committee of advice not exceeding six in all who are qualified to be Electors to be members of the Synod to hold office until the first day of sitting of the annual session of Synod held next after the session of Synod at which or for which they shall have been appointed and in the event of the office of any member of Synod thus appointed becoming vacant may fill the same in like manner.

### **Disposal of income**

18. All property now vested in or hereafter to become vested in the Corporation, the Synod or in Trustees on behalf of the Church or any person holding office therein shall, so far as the same is not subject to any express trust, and so far as any such trust shall not extend, be held, managed, mortgaged, charged, alienated, or otherwise dealt with and disposed of in such manner that any income or revenue derived therefrom and all moneys raised or received by or from any sale, mortgage, or lease shall be applied in accordance with the provisions set out in Section 19.

### **Priorities in the disposal of income**

19. Income, revenue and moneys derived from the property referred to in Section 18 shall, subject to any statutory requirements, be applied in the following manner and priority –
  - (a) the payment of all arrears in contributions required pursuant to the Canons to be made to the Corporation, being contributions of the Parish, if any, which has last had the use of the property;

- (ab) in the case of proceeds from a disposal of real property or any improvements thereon, including sale, long term lease or the declaration of a trust, from the balance of proceeds remaining after the application under paragraph (a):
- (i) payment of up to 20% of the remaining proceeds to a capital fund, being the Going for Growth Fund or such other fund established for the purpose of funding ministry in the Diocese; and
  - (ii) payment of up to 5% of the remaining proceeds to the Diocese to offset operational costs in relation to property management,
- as determined by Archbishop-in-Council or under any policy adopted by Archbishop-in-Council which must provide for consultation, where practicable, with the parish or institution which last used the property.
- (b) satisfying any local wants or requirements of the Parish or institution which has last used the property, if the Synod or the Archbishop-in-Council considers that appropriate after taking into account:
- (i) those local wants or requirements, and
    - a. in the case of a Parish, any relevant Parish strategy as expressed by resolution of the Parish Council,
    - b. in the case of an institution, any relevant strategy as expressed by resolution of its governing body; and
  - (ii) any strategy in the mission of the Church in this Diocese as expressed from time to time by resolution of the Synod;
- (c) such general Diocesan purposes as shall from time to time be set out by resolution of the Synod.

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## NOTES

1. The *Diocesan Council Canon* is part of Schedule 2 of the *Consolidating Canon 1990* [assented to: 12 June 1990].
2. By the *Diocesan Advisers Canon 1995* [assented to: 19 June 1995] - Sec. 17 was inserted.
3. By the *Triennial Synod Canon 1998* [assented to: 20 June 1998] - Sec. 3 was amended.
4. By the *Deputy Chancellor Canon 2003* [assented to: 28 June 2003] - Sec. 2 was amended.

5. By the *Diocesan Governance Canon 2004* [assented to: 20 June 2004, Schedule 2 Part A in operation: 1 October 2004] -  
Sec. 10 was deleted and a new section inserted.  
Sec. 13 was amended.  
Secs 18 & 19 were inserted.
6. By the *Diocesan Council Canon Amendment Canon 2008* [assented to: 21 June 2008]  
Secs 2, 3, 4, 9 and 12 were deleted and new sections 2, 3, 4, 4A, 9, 12, 12A and 12B  
were inserted.  
Secs 11 & 16 were amended.
7. By the *Treasurer (Abolition of Office) Canon 2013* [assented to: 22 June 2013]  
Sec 2 was amended.
8. By the *Diocesan Council Canon Amendment Canon 2015* [assented to: 28 June 2015]  
Section 19(ab) was inserted.

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Anglican Church of Australia – Diocese of Brisbane

## **DIOCESAN GOVERNANCE CANON**

### **A Canon regulating the governance of the Diocese**

The Archbishop, Clergy and Laity of the Diocese of Brisbane assembled in Synod prescribe:

#### **PART I – PRELIMINARY**

1. This Canon may be cited as the “Diocesan Governance Canon”.
2. In this Canon unless the context otherwise requires:

“**Agency**” means an agency of the Diocese or a body which operates under the authority of the Diocese and includes a department, service or other organisation and whether or not it has its own constitution or other constituent document.

“**ASC**” means the Anglican Schools Commission.

“**Church Body**” means the Diocesan Council, each Commission and any committee, council, board or other body howsoever described, established:

- (a) under, or under an authority contained in, a Canon, including a regulation made under a Canon; or
- (b) by resolution of Synod; or
- (c) by the Diocesan Council; or
- (d) by any Commission, Agency or parish; or
- (e) pursuant to a constitution or other governing document of an Agency or of a School of the type described in paragraphs (a) and (d) of the definition of School in this section 2.

“**Church Role**” means the role and function which is required or expected of a Church Worker in their capacity as a member of the Church Body of which the Church Worker is a member, as set out in any Canon, constitution or governing document or role description or which might reasonably be expected to be performed by that Church Worker given the nature of the Church Body of which they are a member.

“**Church Worker**” means a person who is a member of a Church Body and who:

- (a) is not a member in their capacity as an employee of the Corporation or any controlled entity of the Corporation, including any Commission, Agency, School or parish; and

- (b) either:
  - (i) does not receive any emolument in relation to their membership, other than reimbursement for expenses or payment for a service provided other than in their capacity as a member, such as consulting or professional fees; or
  - (ii) is a licensed clergy person.

“**Commission**” means a commission constituted pursuant to the provisions of this Canon.

“**CSC**” means the Anglican Community Services Commission.

“**FDSC**” means the Finance and Diocesan Services Commission.

“**MEC**” means the Anglican Ministry Education Commission.

“**Practising Anglican**” means a person who is an Elector or who would, if residing in the diocese, be qualified to be an Elector and includes Licensed Clergy.

“**PMC**” means the Anglican Parishes and Other Mission Agencies Commission.

“**Principal**” (in relation to a School) includes head of a School.

“**School**” or “**Anglican school**” means an Anglican school in the Diocese and includes:

- (a) a school which is owned and administered by the Corporation;
- (b) a school in the Diocese which is owned or administered by the Society of the Sacred Advent;
- (c) a school which is owned or administered by or affiliated with a Church Institution as provided under the Church Institutions Canon;
- (d) a school which is a separately incorporated company which is a subsidiary (as defined in the Corporations Act 2001 (Cth)) of the Corporation; and
- (e) a school which is a member of the Anglican Schools Commission immediately before this Canon comes into force.

“**Unindemnified Liability**” has the meaning set out in section 66(c).

3. Part I of this Canon shall come into operation when it is assented to by the Archbishop. The remaining Parts of this Canon and Parts of the Schedules to this Canon shall come into operation on a date or on dates to be determined by resolution of the Archbishop-in-Council.

## PART II – THE ARCHBISHOP-IN-COUNCIL

4. Without limiting the powers and obligations of the Archbishop-in-Council pursuant to the provisions of the Constitution, the Diocesan Council Canon, this Canon or any other Canon, the Archbishop-in-Council will assist empower and enable as far as it is able each of the Commissions to exercise its powers and authority and function in accordance with the provisions of this Canon.

PART III – THE COMMISSIONS

5. The following Commissions are created to further the mission of the Church and to carry out governance functions of the Synod and the Corporation subject to the Constitution and Canons and to the general authority of Synod and the Archbishop-in-Council:
  - (a) Anglican Community Services Commission;
  - (b) Finance and Diocesan Services Commission;
  - (c) Anglican Ministry Education Commission;
  - (d) Anglican Parishes and Other Mission Agencies Commission;
  - (e) Anglican Schools Commission.
6. The Archbishop-in-Council may by resolution and after consultation with the relevant Commission, change the name of a Commission or authorise a Commission to operate under a name other than the name of the Commission. A change of name does not create a new Commission and the previous Commission continues under the new name.
7. Each Commission shall have the authority to conduct its affairs in accordance with any general or specific direction of the Synod or Archbishop-in-Council, or in the absence of such direction, as it sees fit and in accordance with the Constitution and Canons. The Archbishop-in-Council may settle and determine all doubts and disputes which may arise with reference to any resolution or the business or activity of a Commission or the validity of any election or appointment
8. A Commission has power and authority to act in relation to those powers and authorities of the Archbishop-in-Council set out in the Canons relevantly listed in respect of that Commission in Schedule 1, subject to any limitation therein set out and subject nevertheless to any direction or requirement of the Archbishop-in-Council. The powers conferred by this Canon on a Commission may be exercised by it from time to time and it shall not be necessary for the Commission to submit to the Synod for ratification, any act done by virtue of the powers hereby delegated to the Commission.
9. A Commission must perform all of the obligations of the Archbishop-in-Council set out in the Canons relevantly listed in respect of that Commission in Schedule 1, subject to any limitation therein set out and subject nevertheless to any direction or requirement of the Archbishop-in-Council.
10. Any direction or requirement of the Archbishop-in-Council which the Archbishop-in-Council may give under this Canon may be made or set out in:
  - (a) a resolution of the Archbishop-in-Council; or
  - (b) a Regulation made pursuant to the provisions of this Canon.
11. In respect of any act matter or thing within the power of a Commission, the General Manager or such other person approved under the Synod Canon may on the authority of the Commission and without any resolution of the Archbishop-in-Council, affix the Seal of the Synod to any deed document or writing executed for giving effect to any determination of a Commission.



## PART IV – ANGLICAN COMMUNITY SERVICES COMMISSION

**Purpose**

12. The purpose of the CSC is to provide strategic direction and policy development to, and monitoring of, the community welfare, social justice, health and aged and community care activities of the Diocese and such other activities of the Diocese as the Archbishop-in-Council may from time to time prescribe by Regulation.

**Objects**

13. The CSC will:
- (a) provide strategic direction and leadership to the Diocese in areas of community welfare, social justice, health and aged and community care, particularly with respect to:
    - (i) the mission of the church in social justice and community care, including care for the poor, marginalised and disadvantaged, the homeless, those with physical and intellectual disabilities, the aged, refugees and displaced persons, those in need of crisis assistance and children without adequate family support;
    - (ii) a Christian response to the church's social and political environment and to social issues in contemporary society;
    - (iii) planning and establishment of new care services;
    - (iv) human, financial, technological and other resources; and
    - (v) governance, legal compliance and risk management;
  - (b) develop policies in each of the areas set out in paragraph (a) and make recommendations for the adoption of such policies to the Archbishop-in-Council;
  - (c) undertake strategic research and planning, provide support to all Agencies engaged in these activities and consult widely in the development of strategies and policies related to the areas set out in paragraph (a);
  - (d) monitor the operations and financial management of all Agencies engaged in the work of community welfare, social justice, health and aged and community care within the Diocese in order to achieve the optimum development of the Agencies within a prudent risk management framework for the Diocese;
  - (e) raise the awareness of members and Agencies of the Church, governments, government agencies and the wider community in relation to matters of community welfare, social justice, health and aged and community care;
  - (f) identify areas of human and social need in the Diocese and initiate and nurture new endeavours to achieve community welfare and social justice;
  - (g) liaise with governments, government agencies, voluntary bodies, corporations, individuals and others in respect of (amongst other things) the procuring of funds for the CSC and Agencies and other people involved in community welfare, social justice, health and aged and community care;
  - (h) speak on matters of community welfare, social justice, health and aged and community care;

- (i) assist Agencies and others in identifying and discussing matters of community welfare and social justice in the Diocese and work constructively with them in respect of these matters; and
- (j) perform such other roles, tasks or objects which are consistent with its purpose and that the Archbishop-in-Council may from time to time prescribe by Regulation.

### **Specific Authorities**

- 14. All Agencies that are involved in the delivery of community welfare, social justice, health and aged and community care programs or services will be under the supervision and governance of the CSC, except insofar as the Synod or Archbishop-in-Council directs otherwise.
- 15. In exercising its authority, the CSC will have regard to the constitution of any separately incorporated entity which is an Agency under the authority of the CSC.

### **Powers**

- 16. Subject to the operation of other Canons and within the limits imposed by the Synod or Archbishop-in-Council, the CSC may (for and on behalf of the Corporation):
  - (a) approve strategic and operational plans (including budgets) of Agencies within its authority under section 14;
  - (b) monitor performance of such Agencies through regular receipt of financial and operational reports, and oversee risk management activities;
  - (c) in consultation with such Agencies, appoint members to governing councils, committees, boards and advisory boards of those Agencies;
  - (d) employ staff and remunerate contractors, advisors, consultants or other persons providing services to the CSC;
  - (e) raise money (including by way of applications to government or government agencies);
  - (f) purchase equipment, supplies, information, communication, travel and other services as may be required to conduct the business of the CSC;
  - (g) operate bank accounts;
  - (h) enter into contracts or agreements for sale or purchase of real or personal property within guidelines established by the FDSC;
  - (i) enter into contracts, agreements or other arrangements with Federal, State or Local Governments, statutory authorities, companies or persons which the CSC believes are conducive to its objects;
  - (j) delegate the exercise of powers to individuals or committees (including the power to further delegate in accordance with a resolution or Regulation of the Archbishop-in-Council);

- (k) authorise the use of the ‘Anglicare’ name within the Diocese and to establish the terms and conditions attaching to that use consistent with any applicable Canon or policy of the Archbishop-in-Council; and
- (l) do all such things as are incidental or conducive to achieving the objects of the CSC and the exercise of these powers.

**Membership**

- 17. (a) The members of the CSC shall be:
  - (i) the Archbishop, who shall be President of the CSC;
  - (ii) a Chairperson, if appointed by the Archbishop;
  - (iii) nine members appointed by the Archbishop in Council as provided for in paragraph (d); and
  - (iv) the Executive Director of the CSC.
- (b) At least two-thirds of the members of the CSC must be practising Anglicans.
- (c) For the first CSC members appointed under paragraph (a)(iii), the Archbishop in Council must appoint at least one nominee of each of the following Agencies as a member to the CSC:
  - St Luke’s Nursing Service;
  - Anglican Care of the Aged;
  - Tufnell Welfare Services.

For the balance of the first appointments and for subsequent appointments under paragraph (a)(iii), all Agencies under the authority and governance of the CSC shall have the opportunity to recommend a person to the Archbishop-in-Council for appointment to the CSC.

- (d) After each ordinary session of the Synod, at least one third of the members appointed under paragraph (a)(iii) must retire from office. Those to retire will be those who have served longest in office. Where members have served an equal term, in the absence of agreement as to which of them shall retire, the retiring member will be determined by lot. Subject to paragraph (e), a member retiring under this paragraph (d) will be eligible for reappointment. The retirement of the member takes effect on the date of appointment of a successor under paragraph (f), unless the member is reappointed, in which case the member will be taken to have retired and been reappointed on the date of reappointment.
- (e) No member appointed under paragraph (a)(iii) is permitted to serve more than 3 years without retiring and being subject to reappointment. If such a member has served as a member of the CSC for a period of 12 or more consecutive years, then, in addition to the provisions of paragraph (d), that member's appointment must be confirmed by the Archbishop-in-Council at its first meeting after each ordinary session of the Synod. If the Archbishop-in-Council does not resolve to confirm that appointment, then the appointment of that member ceases.
- (f) At its first meeting after each ordinary session of the Synod, the Archbishop-in-Council must appoint such number of members as are required under paragraph (a)(iii) to fill the positions of members retiring under paragraph (d).

- (g) The Archbishop-in-Council shall have regard to the expertise and interests of the people it appoints under paragraph (a)(iii) to ensure the business of the CSC is dealt with expeditiously. Without limiting the appointment of any individual, the skills and qualifications appropriate for members of the CSC include:
  - (i) theology, the mission of the church in society and pastoral care;
  - (ii) social justice and community welfare;
  - (iii) health;
  - (iv) aged and community care;
  - (v) ethics;
  - (vi) law;
  - (vii) business, management and finance; and
  - (viii) social work and psychology.
  
- (h) The CSC may invite persons to attend meetings of the CSC on a temporary or permanent basis.

### **Proceedings**

- 18. The CSC shall determine procedures for the conduct of the business of the CSC subject to the following:
  - (a) the CSC must meet as necessary for the proper discharge of its duties and obligations under this Canon but must meet at least four times per year;
  - (b) the President, if in attendance, may chair the meeting. Should the President not be present at the meeting or elect not to chair the meeting, the Chairperson shall chair the meeting, otherwise the members shall elect one of their number to chair the meeting;
  - (c) resolutions shall be determined by a simple majority. If votes are equal the person chairing the meeting shall have an additional casting vote;
  - (d) a quorum shall be half of the members;
  - (e) the CSC shall arrange for records to be kept of the proceedings of the CSC; and
  - (f) the CSC may establish such committees as it shall consider expedient or convenient for the functioning of the CSC provided that at least one member of any committee shall be a member of the CSC and the chair of such committee shall be appointed by the CSC.

### **Reporting**

- 19. The CSC shall prepare management accounts and summary financial reports for Archbishop-in-Council and Synod in the form required from time to time by the Archbishop-in-Council.
- 20. The proceedings of each CSC meeting shall be reported in the form required from time to time by the Archbishop-in-Council to the next succeeding meeting of the Archbishop-in-Council.
- 21. The Archbishop-in-Council may at any time direct the CSC to provide such other reports or information of any description in regard to the CSC's objects, authorities, powers and activities as the Archbishop-in-Council may require, and may direct any member or members of the CSC to attend a meeting of the Archbishop-in-Council.

22. The CSC shall report in writing to each annual session of Synod in the form required from time to time by the Archbishop-in-Council.

PART V – FINANCE AND DIOCESAN SERVICES COMMISSION

**Purpose**

23. The purpose of the FDSC is to support the mission of the Church by providing strategic direction and policy development to, and monitoring of, administrative systems across the Diocese, managing and controlling all real property of the Corporation and ensuring the proper management of all financial, banking, investment and treasury services across the Diocese.

**Objects**

24. The FDSC will:
- (a) provide strategic direction, leadership and oversight in administrative support areas including:
    - (i) strategic planning;
    - (ii) information management and technology;
    - (iii) human relations and industrial relations;
    - (iv) insurance services;
    - (v) communications and the media;
    - (vi) governance, risk management and legal compliance;
    - (vii) records and archives; and
    - (viii) the management of real property;
  - (b) provide financial, banking, investment and treasury services to the Diocese, Commissions and agencies of the Diocese, including the following functions:
    - (i) financial, management and special-purpose reporting, budgeting, accounting systems, policies and procedures;
    - (ii) banking and treasury functions, including investment strategy, liquidity and cash flow management;
    - (iii) financial governance and risk management, financial legislative, statutory and audit compliance;
    - (iv) management of such of the financial, banking and investment services dedicated to Anglican Financial Services by the FDSC.
  - (c) develop policies in each of the areas set out in paragraphs (a) and (b) and make recommendations for the adoption of such policies to the Archbishop-in-Council;
  - (d) undertake research and planning and consult widely in the development of strategies and policies related to the areas set out in paragraphs (a) and (b);
  - (e) consult and coordinate with other Commissions and agencies within the Diocese on issues relating to each of the areas set out in paragraphs (a) and (b);

- (f) develop a Delegations Manual for the Diocese for adoption by the Archbishop-in-Council and review and recommend changes from time to time; and
- (g) perform such other roles, tasks or objects which are consistent with its purpose or which the Archbishop-in-Council may from time to time prescribe by Regulation.

### **Powers**

25. Subject to the operation of other Canons and within the limits imposed by the Synod or Archbishop-in-Council, the FDSC may (for and on behalf of the Corporation) exercise any of the powers of the Corporation, including:
- (a) employ staff and remunerate contractors, advisors, consultants or other persons providing services to the FDSC;
  - (b) raise money including by way of applications to government or government agencies;
  - (c) purchase equipment, supplies, information, communication, travel and other services as may be required to conduct the business of the FDSC;
  - (d) operate bank accounts;
  - (e) enter into contracts, agreements or other arrangements with Federal, State or Local Governments, statutory authorities, companies or persons which the FDSC believes are conducive to its objects;
  - (f) delegate the exercise of powers to individuals or committees (including the power to delegate in accordance with a resolution or Regulation of the Archbishop-in-Council); and
  - (g) do all such things as are incidental or conducive to achieving the objects of the FDSC and the exercise of these powers.

### **Membership**

26. (a) The members of the FDSC shall be:
- (i) the Archbishop, who shall be President of the FDSC;
  - (ii) a Chairperson, if appointed by the Archbishop;
  - (iii) up to twelve members (including at least two clergy), appointed by the Archbishop-in-Council; and
  - (iv) the Executive Director of the FDSC.
- (b) At least two-thirds of the members of the FDSC must be practising Anglicans.
- (c) After each ordinary session of the Synod, at least one third of the members appointed under paragraph (a)(iii) must retire from office. Those to retire will be those who have served longest in office. Where members have served an equal term, in the absence of agreement as to which of them shall retire, the retiring member will be determined by lot. Subject to paragraph (d), a member retiring under this paragraph (c) will be eligible for reappointment. The retirement of the member takes effect on the date of appointment of

a successor under paragraph (e), unless the member is reappointed, in which case the member will be taken to have retired and been reappointed on the date of reappointment.

- (d) No member appointed under paragraph (a)(iii) is permitted to serve more than 3 years without retiring and being subject to reappointment. If such a member has served as a member of the FDSC for a period of 12 or more consecutive years, then, in addition to the provisions of paragraph (c), that member's appointment must be confirmed by the Archbishop-in-Council at its first meeting after each ordinary session of the Synod. If the Archbishop-in-Council does not resolve to confirm that appointment, then the appointment of that member ceases.
- (e) At its first meeting after each ordinary session of Synod, Archbishop-in-Council shall appoint such number of members as are required under paragraph (a)(iii) to fill the position of members retiring under paragraph (c).
- (f) The Archbishop-in-Council shall have regard to the expertise and interests of the people it appoints under paragraph (a)(iii) to ensure the business of the FDSC is dealt with expeditiously. Without limiting the appointment of any individual, the skills and qualifications appropriate for members of the FDSC include:
  - (i) mission of the church;
  - (ii) administration and general management;
  - (iii) law;
  - (iv) human relations and industrial relations;
  - (v) public relations, marketing and the media
  - (vi) information technology and information management;
  - (vii) governance and compliance;
  - (viii) strategic planning and business development;
  - (ix) real estate, property development and facilities management;
  - (x) finance, accounting and economics;
  - (xi) banking;
  - (xii) auditing and risk management;
  - (xiii) investments;
  - (xiv) business development and financial management of schools or community services/aged care;
  - (xv) records and archive management.
- (h) The FDSC may invite persons to attend meetings of the FDSC on a temporary or permanent basis.

### **Proceedings**

27. The FDSC shall determine procedures for the conduct of the business of the FDSC subject to the following:
- (a) the FDSC must meet as necessary for the proper discharge of its duties and obligations under this Canon but must meet at least four times per year;
  - (b) the President, if in attendance, may chair the meeting. Should the President not be present at the meeting or elect not to chair the meeting, the Chairperson shall chair the meeting otherwise the members shall elect one of their number to chair the meeting;

- (c) resolutions shall be determined by a simple majority. If votes are equal the person chairing the meeting shall have an additional casting vote;
- (d) a quorum shall be half of the members;
- (e) the FDSC shall arrange for records to be kept of the proceedings of the FDSC; and
- (f) the FDSC may establish such committees as it shall consider expedient or convenient for the functioning of the FDSC provided that at least one member of any committee shall be a member of the FDSC and the chair of such committee shall be appointed by the FDSC.

### **Reporting**

- 28. The FDSC shall report in the form required from time to time by the Archbishop-in-Council at least twice each calendar year and provide a detailed set of management accounts to the Archbishop-in-Council quarterly.
- 29. The Archbishop-in-Council may at any time direct the FDSC to provide such other reports or information of any description in regard to the FDSC's objects, authorities, powers and activities as the Archbishop-in-Council may require, and direct any member or members of the FDSC to attend a meeting of the Archbishop-in-Council.
- 30. The FDSC shall report in writing to each annual session of Synod in the form required from time to time by the Archbishop-in-Council. Such report will include the audited financial statements for the preceding year and a budget of expenditure and income for the following year.

## **PART VI – ANGLICAN MINISTRY EDUCATION COMMISSION**

### **Purpose**

- 31. The purpose of the MEC is to provide strategic direction and policy development to, and monitoring of, theological education and training of ordained and lay ministers across the Diocese and to such other activities of the Diocese as the Archbishop-in-Council may from time to time prescribe by Regulation and which are not within the purpose of another Commission, and to provide programs, activities and support for those seeking formation within the Anglican Church.

### **Objects**

- 32. The MEC will:
  - (a) provide strategic direction and leadership in programs for:
    - (i) shaping members of the Church for ministry in and through their local faith communities;
    - (ii) the discernment of ministries of all members of the Church;
    - (iii) the formation of persons for ordained and licensed lay ministries; and
    - (iv) continuing education for ordained and licensed lay ministries;



- (b) develop policies relating to the standards and operations of theological education and training within the Diocese;
- (c) undertake strategic research and planning into the areas set out in paragraph (a);
- (d) monitor the operations and financial management of all Agencies engaged in ministry education activities within the Diocese;
- (e) co-operate with and promote societies, Agencies and endeavours active within the Church in the Diocese where work involves aspects of ministry development or theological education;
- (f) assume responsibility for St Francis' Theological College, taking note of the relationship with the Brisbane College of Theology; and
- (g) perform such other roles, tasks or objects which are consistent with its purpose or which the Archbishop-in-Council may from time to time prescribe by Regulation.

### **Specific Authority**

33. In exercising its authority, the MEC will have regard to the constitution of any separately incorporated entity which is an Agency of the MEC.

### **Powers**

34. Subject to the operation of other Canons and within the limits imposed by the Synod or Archbishop-in-Council, the MEC may (for and on behalf of the Corporation):
- (a) approve strategic and operational plans (including budgets) of Agencies within its authority;
  - (b) monitor performance of such Agencies through regular receipt of financial and operational reports and oversee risk management activities;
  - (c) in consultation with such Agencies, appoint members to governing councils, committees, boards and advisory boards of those Agencies;
  - (d) employ staff and remunerate contractors, advisors, consultants or other persons providing services to the MEC;
  - (e) raise money (including by way of applications to government or government agencies);
  - (f) purchase equipment, supplies, information, communication, travel and other services as may be required to conduct the business of the MEC;
  - (g) operate bank accounts;
  - (h) enter into contracts or agreements for sale or purchase of real or personal property within guidelines established by the FDSC;
  - (i) enter into contracts, agreements or other arrangements with Federal, State or Local Governments, statutory authorities, companies or persons which the MEC believes are conducive to its objects;

- (j) delegate the exercise of powers to individuals or committees (including the power to delegate in accordance with a resolution or Regulation of the Archbishop-in-Council); and
- (k) do all such things as are incidental or conducive to achieving the objects of the MEC and the exercise of these powers.

### **Membership**

35. (a) The members of the MEC shall be:
- (i) the Archbishop, who shall be President of the MEC;
  - (ii) a Chairperson, if appointed by the Archbishop;
  - (iii) six members, appointed by the Archbishop-in-Council; and
  - (iv) the Director of the MEC.
- (b) At least two-thirds of the members of the MEC must be practising Anglicans.
- (c) After each ordinary session of the Synod, at least one third of the members appointed under paragraph (a)(iii) must retire from office. Those to retire will be those who have served longest in office. Where members have served an equal term, in the absence of agreement as to which of them shall retire, the retiring member will be determined by lot. Subject to paragraph (d), a member retiring under this paragraph (c) will be eligible for reappointment. The retirement of the member takes effect on the date of appointment of a successor under paragraph (e), unless the member is reappointed, in which case the member will be taken to have retired and been reappointed on the date of reappointment.
- (d) No member appointed under paragraph (a)(iii) is permitted to serve more than 3 years without retiring and being subject to reappointment. If such a member has served as a member of the MEC for a period of 12 or more consecutive years, then, in addition to the provisions of paragraph (d), that member's appointment must be confirmed by the Archbishop-in-Council at its first meeting after each ordinary session of the Synod. If the Archbishop-in-Council does not resolve to confirm that appointment, then the appointment of that member ceases.
- (e) At its first meeting after each ordinary session of the Synod the Archbishop-in-Council must appoint such number of members as are required under paragraph (a)(iii) to fill the positions of members retiring under paragraph (c).
- (f) The Archbishop-in-Council shall have regard to the expertise and interests of the people it appoints under paragraph (a)(iii) to ensure the business of the MEC is dealt with expeditiously. Without limiting the appointment of any individual, the skills and qualifications appropriate for members of the MEC include:
- (i) mission of the Church;
  - (ii) theology;
  - (iii) education and training;
  - (iv) strategic planning and policy development;
  - (v) business management, finance and accounting;
  - (vi) teaching; and
  - (vii) law.

- (g) The MEC may invite persons to attend meetings of the MEC on a temporary or permanent basis.

### **Proceedings**

36. The MEC must determine procedures for the conduct of MEC business subject to the following:
- (a) the MEC must meet as necessary for the proper discharge of its duties and obligations under this Canon but must meet at least four times per year;
  - (b) the President, if in attendance, may chair the meeting. Should the President not be present at the meeting or elect not to chair the meeting, the Chairperson shall chair the meeting otherwise the members shall elect one of their number to chair the meeting;
  - (c) resolutions shall be determined by a simple majority. If votes are equal the person chairing the meeting shall have an additional casting vote;
  - (d) a quorum shall be half of the members;
  - (e) the MEC shall arrange for records to be kept of the proceedings of the MEC; and
  - (f) the MEC may establish such committees as it shall consider expedient or convenient for the functioning of the MEC, provided that at least one member of any committee shall be a member of the MEC, and the chair of such committee shall be appointed by the MEC.

### **Reporting**

37. The MEC shall prepare management accounts and summary financial reports for the Archbishop-in-Council and Synod in the form required from time to time by the Archbishop-in-Council.
38. The proceedings of each MEC meeting shall be reported in the form required from time to time by the Archbishop-in-Council to the next succeeding meeting of the Archbishop-in-Council.
39. The Archbishop-in-Council may at any time direct the MEC to provide such other reports or information of any description in regard to the MEC's objects, authorities, powers and activities as the Archbishop-in-Council may require, and may direct any member or members of the MEC to attend a meeting of the Archbishop-in-Council.
40. The MEC shall report in writing to each annual session of Synod in the form required from time to time by the Archbishop-in-Council.

## **PART VII – ANGLICAN PARISHES AND OTHER MISSION AGENCIES COMMISSION**

### **Purpose**

41. (1) The role of the PMC relates to –
- (a) the parishes,
  - (b) other mission agencies, and
  - (c) such other Agencies or activities of the Diocese as the Archbishop-in-Council may from time to time prescribe by Regulation and which are not within the purpose of another Commission.

- (2) The purpose of the PMC is, in relation to these entities and in consultation with them, to facilitate strategic planning, policy development, and the monitoring of their operations.

### **Objects**

42. The PMC will:

- (a) undertake research and planning to identify strategies and priorities that seek to increase the effectiveness of existing parishes and mission agencies and to develop new ministries;
- (b) review existing parishes and other mission agencies seeking to apply this research and planning in their operations and organization and to grow new ministries in consultation with the Regional Bishops;
- (c) facilitate development of policies in areas affecting parishes and other mission agencies in consultation with them and make recommendations for the adoption of such policies to the Archbishop in Council;
- (d) promote the engagement by Parishes and other Mission Agencies in matters relating to ecumenism, interfaith relations, multicultural and indigenous ministries; and
- (e) perform such other roles, tasks or objects which are consistent with its purpose or which the Archbishop-in-Council may from time to time prescribe by Regulation.

### **Powers**

43. Subject to the operation of other Canons and within the limits imposed by the Synod or Archbishop-in-Council, the PMC may (for and on behalf of the Corporation):

- (a) employ staff and remunerate contractors, advisors, consultants or other persons providing services to the PMC;
- (b) raise money (including by way of applications to government or government agencies);
- (c) purchase equipment, supplies, information, communication, travel and other services as may be required to conduct the business of the PMC;
- (d) operate bank accounts;
- (e) enter into contracts or agreements for sale or purchase of real or personal property within the guidelines provided by the FDSC;
- (f) enter into contracts, agreements or other arrangements with Federal, State or Local Governments, statutory authorities, companies or persons which the PMC believes are conducive to its objects;
- (g) delegate the exercise of powers to individuals or committees (including the power to delegate in accordance with a resolution or Regulation of the Archbishop-in-Council); and
- (h) do all such things as are incidental or conducive to achieving the objects of the PMC and the exercise of these powers.

**Membership**

44. (a) The members of the PMC shall be:
- (i) the Archbishop who shall be President of the PMC;
  - (ii) the Chairperson, if appointed by the Archbishop;
  - (iii) the Regional Bishops;
  - (iv) six lay members appointed by the Archbishop-in-Council;
  - (v) the Director of the PMC; and
  - (vi) those Archdeacons with responsibility for geographical areas of the Diocese and for ministry areas for which the PMC has responsibility.
- (b) Members of the PMC appointed by the Archbishop-in-Council must be practising Anglicans.
- (c) After each ordinary session of the Synod, at least one third of the members appointed under paragraph (a)(iv) must retire from office. Those to retire will be those who have served longest in office. Where members have served an equal term, in the absence of agreement as to which of them shall retire, the retiring member will be determined by lot. Subject to paragraph (d), a member retiring under this paragraph (c) will be eligible for reappointment. The retirement of the member takes effect on the date of appointment of a successor under paragraph (e), unless the member is reappointed, in which case the member will be taken to have retired and been reappointed on the date of reappointment.
- (d) No member appointed under paragraph (a)(iv) is permitted to serve more than 3 years without retiring and being subject to reappointment. If such a member has served as a member of the PMC for a period of 12 or more consecutive years, then, in addition to the provisions of paragraph (d), that member's appointment must be confirmed by the Archbishop-in-Council at its first meeting after each ordinary session of the Synod. If the Archbishop-in-Council does not resolve to confirm that appointment, then the appointment of that member ceases.
- (e) At its first meeting after each ordinary session of the Synod, the Archbishop-in-Council must appoint such number of members as are required under paragraph (a)(iv) to fill the positions of members retiring under paragraph (c). The members of the PMC appointed by the Archbishop-in-Council shall be appointed (maintaining equal numbers from each Region) after receiving recommendations from each Regional Bishop, made following consultation within the Region.
- (f) The Archbishop-in-Council shall have regard to the expertise and interests of the people it appoints under paragraph (a)(iv) to ensure the business of the PMC is dealt with expeditiously. Without limiting the appointment of any individual, the skills and qualifications appropriate for members of the PMC include:
- (i) mission of the church;
  - (ii) theology;
  - (iii) ministry;
  - (iv) community development;
  - (iv) social justice and community welfare;
  - (v) education;
  - (vi) strategic planning and policy development; and
  - (vii) finance, accounting and business.

- (g) The PMC may invite persons to attend meetings of the PMC on a temporary or permanent basis.

### **Proceedings**

- 45. The PMC shall determine procedures for the conduct of the business of the PMC subject to the following:
  - (a) the PMC must meet as necessary for the proper discharge of its duties and obligations under this Canon but must meet at least four times per year;
  - (b) the President, if in attendance, may chair the meeting. Should the President not be present at the meeting or elect not to chair the meeting, the Chairperson shall chair the meeting otherwise the members shall elect one of their number to chair the meeting;
  - (c) resolutions shall be determined by a simple majority. If votes are equal the person chairing the meeting shall have an additional casting vote;
  - (d) a quorum shall be half of the members;
  - (e) the PMC shall arrange for records to be kept of the proceedings of the PMC; and
  - (f) the PMC may establish such committees as it shall consider expedient or convenient for the functioning of the PMC, provided that at least one member of any committee shall be a member of the PMC, and the chair of such committee shall be appointed by the PMC.

### **Reporting**

- 46. The proceedings of each PMC meeting shall be reported in the form required from time to time by the Archbishop-in-Council to the next succeeding meeting of the Archbishop-in-Council.
- 47. The Archbishop-in-Council may at any time direct the PMC to provide such other reports or information of any description in regard to the PMC's objects, authorities, powers and activities as the Archbishop-in-Council may require, and may direct any member or members of the PMC to attend a meeting of the Archbishop-in-Council.
- 48. The PMC shall report in writing to each annual session of Synod in the form required from time to time by the Archbishop-in-Council.

## **PART VIII – ANGLICAN SCHOOLS COMMISSION**

### **Purpose**

- 49. The purpose of the ASC is to provide strategic direction and policy development to, and monitoring of, Anglican schools and of such other educational activities of the Diocese as the Archbishop-in-Council may from time to time prescribe by Regulation and which are not within the purpose of another Commission.

**Objects**

50. The ASC will:

- (a) promote and provide strategic directions for education in Anglican schools, particularly in the areas of:
  - (i) the mission of the Church;
  - (ii) education in general in a Christian context for contemporary society;
  - (iii) faith formation, religious education and worship;
  - (iv) planning and establishment of new schools;
  - (v) workplace relations; and
  - (vi) governance, legal compliance and risk management;
- (b) develop policies in each of the areas set out in paragraph (a) and make recommendations for the adoption of such policies to the Archbishop-in-Council;
- (c) undertake strategic research and planning and provide support to Anglican schools in these activities and consult widely in the development of strategies and policies related to the areas set out in paragraph (a).
- (d) support Anglican schools in the Diocese, their school councils, principals and staff;
- (e) facilitate consultation and encourage communication and co-operation among Anglican schools, between Anglican schools and the ASC and with other Agencies;
- (f) provide liaison between the Diocese and federal, state and local governments and other relevant educational bodies and agencies on matters relating to education and on matters relating to the provision of government funds and resources for non-government schools;
- (g) monitor the operations and financial management of all Anglican schools in order to achieve the optimum development of the schools within a prudent risk management framework for the Diocese; and
- (h) perform such other roles, tasks or objects which are consistent with its purpose and that the Archbishop-in-Council may from time to time prescribe by Regulation.

**Authority**

51. In exercising its authority, the ASC will have regard to the constitution of any separately incorporated Anglican school operating within the Diocese.

**Powers**

52. Subject to the operation of other Canons and within the limits imposed by the Synod or Archbishop-in-Council, the ASC may (for and on behalf of the Corporation):

- (a) approve strategic and operational plans for the ASC;
- (b) monitor performance of Anglican schools through the regular receipt of financial and operational reports, and oversee risk management activities;
- (c) in consultation with Anglican schools, appoint members to governing councils and boards;

- (d) employ staff and remunerate contractors, advisors, consultants or other persons providing services to the ASC;
- (e) raise money (including by way of applications to government or government agencies);
- (f) purchase equipment, supplies, information, communication, travel and other services as may be required to conduct the business of the ASC;
- (g) operate bank accounts;
- (h) enter into contracts or agreements for sale or purchase of real or personal property (within the guidelines provided by the FDSC);
- (i) enter into contracts, agreements or other arrangements with Federal, State or Local Governments, statutory authorities, companies or persons which the ASC believes are conducive to its objects;
- (j) delegate the exercise of powers to individuals or committees (including the power to delegate in accordance with a resolution or Regulation of the Archbishop-in-Council); and
- (k) do all such things as are incidental or conducive to achieving the objects of the ASC and the exercise of these powers.

### **Membership**

53. (a) The members of the ASC shall be:
- (i) the Archbishop, who shall be President of the ASC;
  - (ii) a Chairperson, if appointed by the Archbishop;
  - (iii) the Executive Director of the ASC;
  - (iv) eight members appointed by the Archbishop-in-Council subject to paragraph (d).
- (b) At least two-thirds of the members of the ASC shall be practising Anglicans.
- (c) *[deleted 2006]*
- (d) After each ordinary session of the Synod, at least one third of the members appointed under paragraph (a)(iv) must retire from office. Those to retire will be those who have served longest in office. Where members have served an equal term, in the absence of agreement as to which of them shall retire, the retiring member will be determined by lot. Subject to paragraph (e), a member retiring under this paragraph (d) will be eligible for reappointment. The retirement of the member takes effect on the date of appointment of a successor under paragraph (f), unless the member is reappointed, in which case the member will be taken to have retired and been reappointed on the date of reappointment.
- (e) No member appointed under paragraph (a)(iv) is permitted to serve more than 3 years without retiring and being subject to reappointment. If such a member has served as a member of the ASC for a period of 12 or more consecutive years, then, in addition to the provisions of paragraph (d), that member's appointment must be confirmed by the Archbishop-in-Council at its first meeting after each ordinary session of the Synod. If the



Archbishop-in-Council does not resolve to confirm that appointment, then the appointment of that member ceases.

- (f) At its first meeting after each ordinary session of the Synod, the Archbishop-in-Council must appoint such number of members as are required under paragraph (a)(iv) to fill the positions of members retiring under paragraph (d).
- (g) The Archbishop-in-Council shall have regard to the expertise and interests of the people it appoints to ensure the business of the ASC is dealt with expeditiously. Without limiting the appointment of any individual, the skills, qualifications and experience appropriate for members of the ASC include:
  - (i) mission of the Church;
  - (ii) school governance;
  - (iii) school principalship;
  - (iv) school chaplaincy;
  - (v) school business management and administration;
  - (vi) education;
  - (vii) strategic planning and policy development;
  - (viii) finance, accounting and business;
  - (ix) workplace relations;
  - (x) law;
  - (xi) different school ownerships; and
  - (xii) different school locations.

### **Proceedings**

54. The ASC shall determine procedures for the conduct of the business of the ASC subject to the following:
- (a) the ASC must meet as necessary for the proper discharge of its duties and obligations under this Canon but must meet at least four times per year;
  - (b) the President, if in attendance, may chair the meeting. Should the President not be present at the meeting or elect not to chair the meeting, the Chairperson shall chair the meeting, otherwise the members shall elect one of their number to chair the meeting;
  - (c) resolutions shall be determined by a simple majority. If votes are equal the person chairing the meeting shall have an additional casting vote;
  - (d) a quorum shall be half of the members;
  - (e) the ASC shall arrange for records to be kept of the proceedings of the ASC; and
  - (f) the ASC may establish such committees as it shall consider expedient or convenient for the functioning of the ASC, provided that at least one member of any committee shall be a member of the ASC, and the chair of such committee shall be appointed by the ASC. One such committee shall be composed of the principals of Anglican schools and one such committee shall be composed of the chairs of the councils or boards of Anglican schools.

**Funding**

55. The governing body of each Anglican school shall pay such moneys, and at such times, to the ASC as shall be decided from time to time by the ASC following consultation with such governing bodies for use by the ASC in carrying out its purpose and objects as set out in this Canon. In this section “governing body” includes a School Council established by resolution of the Archbishop-in-Council.

**Reporting**

56. The ASC shall prepare management accounts and summary financial reports for the Archbishop-in-Council in the form required from time to time by the Archbishop-in-Council.
57. The proceedings of each ASC meeting shall be reported in the form required from time to time by the Archbishop-in-Council to the next succeeding meeting of the Archbishop-in-Council.
58. The Archbishop-in-Council may at any time direct the ASC to provide such other reports or information of any description in regard to the ASC’s objects, authorities, powers and activities as the Archbishop-in-Council may require, and may direct any member or members of the ASC to attend a meeting of the Archbishop-in-Council.
59. The ASC shall report in writing to each annual session of Synod in the form required from time to time by the Archbishop-in-Council.

**PART IX – GENERAL PROVISIONS**

60. A member of a Commission must exercise their powers and discharge their obligations with a degree of care and diligence that a reasonable person would exercise if they were a member of that Commission in the Commission's circumstances and occupied the office held by that member.
61. A member of a Commission must:
- (a) exercise their powers and discharge their obligations in good faith and in the interests of the Diocese and for a proper purpose;
  - (b) not improperly use their position to gain an advantage for themselves or for someone else or cause detriment to the Diocese;
  - (c) keep confidential information they obtain as a member of a Commission confidential and not improperly use any information they obtain as a member of a Commission to gain an advantage for themselves or for someone else or cause detriment to the Diocese; and
  - (d) disclose to the Commission of which they are a member any material personal interest in any matter concerning that Commission or in any activity within that Commission's authority (a member may give a standing notice of an interest).

62. If:
- (a) a member of a Commission relies on information or professional or expert advice, given or prepared by:
    - (i) an employee of the Diocese who the member reasonably believes is reliable and competent in relation to the matters concerned;
    - (ii) a professional adviser or expert in relation to matters which the member reasonably believes is within that person's professional or expert competence;
    - (iii) another member of the Commission in relation to matters within that member's authority; or
    - (iv) a committee of the Commission on which the member did not serve in relation to matters within the committee's authority; and
  - (b) the reliance was made in good faith and after making an independent assessment of the information or advice (having regard to the member's knowledge of the Commission and the complexity of its structures and operations),
- it is reasonable for the member to rely on that information or advice in carrying out the member's obligations under this Canon.
63. Where the Archbishop-in-Council may appoint a member of a Commission and there is a casual vacancy in that office, the Archbishop-in-Council may appoint any person as a member of a Commission to fill that casual vacancy but will have regard to any recommendations or consultations that would be required if the appointment was being made in respect of a regular annual retirement of members.
64. (a) Where the Archbishop-in-Council has appointed a member of a Commission under this Canon, the Archbishop-in-Council for good cause shown may remove that person from that office by a resolution of the Archbishop-in-Council.
- (b) Where the Archbishop has appointed a member of a Commission under this Canon, the Archbishop may remove that person from that office by notice in writing to the member.
65. The office of a member of a Commission appointed by the Archbishop-in-Council or by the Archbishop immediately becomes vacant if the member:
- (a) ceases to be a member by virtue of this Canon;
  - (b) is prohibited by the *Corporations Act 2001* (Cth) from holding office or continuing as a director of a corporation;
  - (c) becomes bankrupt or makes any general arrangement or composition with his or her creditors;

- (d) cannot fully participate in the management of the Commission because of his or her mental incapacity or is a person whose estate is liable to have a person appointed, under the law relating to the administration of estates of persons who through mental or physical infirmity are incapable of managing their affairs, to administer it, or becomes in the opinion of the Archbishop-in-Council incapable of performing his or her duties;
  - (e) resigns from his or her office as a member by notice in writing to the General Manager;
  - (f) ceases to hold an office or employed position on which the member's membership of a Commission depends;
  - (g) is removed from office in accordance with Section 64; or
  - (h) is absent from Commission meetings for three consecutive meetings without leave of absence from the Commission.
66. (a) To the extent permitted by law and subject to paragraph (c), the Corporation indemnifies every person who is or has been a Church Worker against any Unindemnified Liability incurred by that person as a direct result of carrying out their Church Role except where such liability:
- (i) is owed to the Corporation or a controlled entity of the Corporation; or
  - (ii) arose out of the fraud, wilful default or gross negligence of the Church Worker; or
  - (iii) did not arise out of conduct in good faith.
- (b) The Diocesan Council may make such administrative arrangements as it sees fit, including making advances to a Church Worker pending the outcome of any investigation or legal proceeding, in satisfying any obligation of the Corporation to indemnify a Church Worker.
- (c) The Corporation's obligation to indemnify a Church Worker in paragraph (a) applies only to an Unindemnified Liability. An Unindemnified Liability is a liability (including for legal costs for defending any action and liabilities incurred by the person as a director of a company or member of an external committee, council or board where the Corporation, including an Agency, Commission or parish, requested the Church Worker to accept that appointment) for which the Church Worker is not indemnified or otherwise compensated under or by:
- (i) an insurer under any policy of insurance, whether held by the Corporation, an Agency, a School or any other person, including the Church Worker; or
  - (ii) a statutory compensation scheme, such as workers compensation; or
  - (iii) an award of damages or other compensation or relief from a court of competent jurisdiction or other tribunal with appropriate jurisdiction in relation to the liability; or
  - (iv) any other damages, compensation, reimbursement or relief from liability derived from any other source, other than the Church Worker personally.

(d) Nothing in this section 66 is intended to require the Corporation, including any Commission, Agency, School or parish, to reimburse an expense incurred in carrying out the Church Role which is voluntarily incurred by the Church Worker. However, this does not prevent the Corporation, including any Commission, Agency, School or parish, from exercising any power it has to agree to reimburse such expenses.

- 67. A Commission may act even if there are vacancies in the membership of the Commission.
- 68. An act done by a member of a Commission or by a Commission is effective even if the appointment, or the continuance of the appointment, of that member or any of the Commission's members may be invalid because the appointment, or continued appointment, of the member did not comply with this Canon. This section does not deal with the question of whether an effective act by a member binds the Corporation in its dealings with other people or makes the Corporation liable to another person.

**PART X – THE GENERAL MANAGER**

- 69. The General Manager has power to act in the name of the Corporation, the Synod, and the Archbishop-in-Council subject to the Constitution and Canons and subject to the direction and authority of the Archbishop and the Archbishop-in-Council.
- 69A. The General Manager will receive the agenda and papers for all meetings of each Commission in the same form as is provided to that Commission's members. The General Manager may attend and speak at any meeting of a Commission.

**PART XI – GENERAL**

- 70. (1) A reference in any Canon, Regulation, document or resolution to the Property and Finance Board shall be read and construed as a reference to the FDSC.
- (2) A reference in any Canon, Regulation document or resolution to the Commission for Community Welfare and Social Justice – Diocese of Brisbane shall be read and construed as a reference to the CSC.
- (3) A reference in any Canon, Regulation, document or resolution to the Anglican Schools Commission – Diocese of Brisbane shall be read and construed as a reference to the ASC.
- (4) A reference in any Canon, Regulation document or resolution to the Commission for Ministries Development and Theological Education shall be read and construed as a reference to the MEC.

**PART XII – AMENDMENT**

- 71. The Canons referred to in Schedule 2 are amended to the extent therein set out.

PART XIII – REPEAL

72. The following Canons are repealed:

- (a) Anglicare Canon;
- (b) Property and Finance Canon;
- (c) Schools Commission Canon;
- (d) Parish Contributions Canon;
- (e) Investment Fund Canon.

PART XIV – REGULATIONS

73. The Archbishop-in-Council may from time to time make, amend or repeal Regulations, not inconsistent with the provisions of this Canon, providing for all or any of the purposes whether general or to meet particular cases, which may be convenient for the administration of this Canon or which may be necessary or expedient to carry out the objects and purposes of this Canon.

74. (1) The Archbishop-in-Council may from time to time make, amend or repeal Regulations:

- (a) exempting a Commission or any person or any class of persons, from all or specified provisions of this Canon; or
- (b) providing that this Canon applies as if specified provisions were omitted, modified or varied as specified in the Regulation; or
- (c) declaring that provisions of this Canon are modified so that they apply (with or without further modification):
  - (i) in relation to a Commission or to Commissions or situations to which they would not otherwise apply; or
  - (ii) in a way that changes the person who is responsible for any act or duty required of a person (whether or not a holder of an office) under this Canon,

for the purpose of allowing alternative forms of governance of the Diocese or the Corporation not provided for in this Canon.

(2) A Regulation made under subsection (1) will cease to have effect on the earlier of:

- (a) the date (if any) specified in the Regulation for that purpose; or
- (b) the third anniversary after the Regulation is made,

(‘cessation date’) unless within three months before the cessation date the Regulation is renewed by the Archbishop-in-Council, with or without amendments.

75. (1) Every Regulation made by the Archbishop-in-Council under the provisions of this Canon shall be recorded in the minutes of the Council and shall be laid before the next ordinary session of Synod.

- (2) Notwithstanding anything contained in this or in any other Canon or in the Standing Orders for the time being of Synod, it shall be competent for any member of Synod, by notice in writing given and read aloud at Synod on some previous day, to present a motion for the amendment or repeal of any Regulation.

**SCHEDULE 1**

[Section 8]

PART A. In the following Canons, the Community Services Commission has delegated power and authority of the Archbishop-in-Council pursuant to the provisions of Section 8 of the Canon.

1. Foundation (Aged Care) Canon

PART B. In the following Canons, the Finance and Diocesan Services Commission has delegated power and authority of the Archbishop-in-Council pursuant to the provisions of Section 8 of the Canon.

1. Cemeteries Canon
2. Church Institutions Canon, except Section 11
3. Diocesan Council Canon, limited to Sections 13(a), (b) and (c)
4. Insurance Canon 1997, except Section 16
6. Long Service Leave Canon, except Section 12
7. Parish Contributions Canon, except Section 7(2)
8. Parishes Regulation Canon, limited to Sections 6 and 8
9. Superannuation Canon
10. Synod Canon, limited to Section 17

PART C. In the following Canons, the Parishes and Other Mission Agencies Commission has delegated power and authority of the Archbishop-in-Council pursuant to the provisions of Section 8 of the Canon.

1. Offerings at Pastoral Services Canon 1995
2. Parishes Regulation Canon except sections 4, 5, 6 and 8 and Parts IV and VIII
3. Special Ministry Canon 1995, except Section 4
4. St John's College Canon

PART D. In the following Canons, the Finance and Diocesan Services Commission has delegated power of authority of the Archbishop-in-Council pursuant to the provisions of Section 8 of the Canon.

1. Diocesan Council Canon, limited to Sections 13(d), (e) and (f), and Sections 18 and 19.”

**SCHEDULE 2**

[Section 71]

PART A. Amendments to the Diocesan Council Canon

1. Section 10 is deleted and the following new section is inserted:

**“Resolution outside meetings**

“10. (1) The Archbishop may circulate at any time to members of the Council a draft resolution which, if agreed to by a majority of the Clerical members and a majority of the lay members of the Council and received by the Registrar, shall be deemed to be a resolution of the Council duly passed at a meeting thereof.

(2) Any such resolution may consist of several documents in like form, each containing assent by one or more members of the Council and may be circulated and received by facsimile or electronically.”

2. Section 13 is amended by deleting paragraph (e) and by inserting the following paragraphs:

“(e) to take such action in all matters which may from time to time be referred to or delegated to it by the Synod as appears necessary or expedient;

“(f) to manage and invest funds held by the Corporation and in the exercise of these powers and responsibilities the Council is authorized to:

- (i) accept money on deposit;
- (ii) borrow, raise or otherwise obtain financial accommodation, including by the issue of debentures, bonds or other securities;
- (iii) advance or lend money or otherwise make financial accommodation available or enter into financial arrangements with or without security, at such rate of interest (if any) or for such other consideration (if any) and on such terms as to repayment and otherwise as the Council may authorize;
- (iv) issue, draw, accept, endorse or discount bills of exchange, promissory notes, payment orders or other negotiable instruments;
- (v) enter into any transaction for the purpose of managing or varying financial returns or financial or currency risks or obligations or returning a gain or avoiding a loss by reference to currency exchange rate movements, interest or discount rate movements or any other risk management transaction or agreement.”



3. The following new Sections are inserted:

**“Disposal of income**

“18. All property now vested in or hereafter to become vested in the Corporation, the Synod or in Trustees on behalf of the Church or any person holding office therein shall, so far as the same is not subject to any express trust, and so far as any such trust shall not extend, be held, managed, mortgaged, charged, alienated, or otherwise dealt with and disposed of in such manner that any income or revenue derived therefrom and all moneys raised or received by or from any sale, mortgage, or lease shall be applied in accordance with the provisions set out in Section 19.

**“Priorities in the disposal of income**

“19. Income, revenue and moneys derived from the property referred to in Section 18 shall, subject to any statutory requirements, be applied in the following manner and priority –

- (a) the payment of all arrears in contributions required pursuant to the Canons to be made to the Corporation, being contributions of the Parish, if any, which has last had the use of the property;
- (b) satisfying any local wants or requirements of the Parish or institution which has last used the property, if the Synod or the Archbishop-in-Council considers that appropriate after taking into account:
  - (i) those local wants or requirements, and
    - a. in the case of a Parish, any relevant Parish strategy as expressed by resolution of the Parish Council,
    - b. in the case of an institution, any relevant strategy as expressed by resolution of its governing body; and
  - (ii) any strategy in the mission of the Church in this Diocese as expressed from time to time by resolution of the Synod;
- (c) such general Diocesan purposes as shall from time to time be set out by resolution of the Synod.”

**PART B. Amendments to the Cathedral Canon:**

1. Section 32 is amended:

- (a) by omitting subsection (1) and inserting the following:

“(1) In this section “prescribed matter” means any transaction relating to real property.”

- (b) by omitting subsection (4).

PART C. Amendments to the Ministry Education Canon:

1. Sections 5 to 14 inclusive are omitted.

PART D. Amendments to the Parishes Regulation Canon:

1. In Section 6 omit the words “Property and Finance Board” and insert “Archbishop-in-Council”.
2. In subsection (2) of Section 8 the words “Property and Finance Board” are omitted and the words “Archbishop-in-Council” are inserted.

PART E Amendments to the Synod Canon:

1. In Section 2 (1) delete paragraph (i).

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**NOTES**

1. The *Diocesan Governance Canon* was assented to on 20 June 2004, on which date Part I came into operation.
2. On 1 October 2004 the following came into operation -
  - Part II – The Archbishop-in-Council.
  - Part III – The Commissions.
  - Part IV – Anglican Community Services Commission.
  - Part V – Diocesan Services Commission.
  - Part VIII – Anglican Schools Commission.
  - Part IX – General Provisions for Commission Members.
  - Part X – The General Manager.
  - Part XI – General.
  - Part XII – Amendment.
  - Part XIII – Repeal.
  - Part XIV – Regulations.
  - Schedule 1, Parts A & B.
  - Schedule 2, Parts A, B, D & E.
3. On 1 November 2004 the following came into operation -
  - Part VI – Anglican Ministry Education Commission.
  - Schedule 2, Part C.
4. By the *Diocesan Governance Canon PMC Amendment Canon 2005* [assented to: 18 June 2005] –
  - Secs 2, 5, 44, the Part VII heading & Schedule 1 (Part C) were amended.
  - Secs 41 & 42 were deleted and new sections inserted.

5. By the *Diocesan Governance Canon Miscellaneous Amendments Canon 2005* [assented to: 18 June 2005] -  
Secs 17, 24, 72 & Schedule 1 (Part B) were amended [the amendments set out in sec.3 of the amending canon came into operation on 28 July 2005].
6. By the *Diocesan Governance Canon Amendment Canon 2006* [assented to: 25 June 2006, in operation 27 July 2006]  
Secs 17, 18, 26, 27, 35, 36, 44, 45, 53 & 54 were amended.
7. By the *Superannuation Canon 2006* [assented to: 25 June 2006] -  
Schedule 1, Part B was amended.
8. By the *Parishes Regulation Canon Amendment Canon 2007* [assented to: 23 June 2007, in operation 27 September 2007]  
Schedule 1, Part C was amended.
9. By the *Diocesan Governance Canon (General Manager) Amendment Canon 2007* [assented to: 23 June 2007]  
Secs 17, 26, 35, 44 & 53 were amended and a new section 69A was inserted.
10. By the *Diocesan Governance Canon (Indemnities) Amendment Canon 2007* [assented to: 23 June 2007]  
Sec 2 was amended, sec 66 was deleted and new section inserted, Part IX heading amended.
11. By the *Diocesan Governance Canon Amendment Canon 2008* [assented to: 3 July 2008]  
Sec 44(a)(iv) was amended, new sec 44(a)(vi) was inserted.
12. By the *Diocesan Governance Canon Amendment Canon 2009* [assented to: 20 June 2009]  
Sec 26(a)(iv) was amended, new sec 26(a)(v) was inserted.
13. By the *Diocesan Governance Canon Amendment Canon 2012* [assented to: 23 June 2012]  
New definition "FSC"  
Secs 23-30 were deleted and new Secs 23-30 inserted.  
New Part VA – Financial Services Commission (secs 30A-30H) was inserted.  
Sec 70(1) and Schedule 1(Part B) were amended. New Part D was inserted.  
Regulation I was repealed and replaced with Regulation II – Diocesan Governance Canon (Functions of the Financial Services Commission Regulation 2011).
14. By the *Diocesan Governance Canon Amendment (Records and Archives) Canon 2013* [assented to: 22 June 2013]  
Sec 24 was amended, new sec 24(a)(viii) was inserted.  
Sec 24(i) renumbered 24(j) and new sec 24(i) inserted.  
Schedule 1, Part B was amended.
15. By the *Treasurer (Abolition of Office) Canon 2013* [assented to: 22 June 2013]  
Sec 11 was amended.  
Sec 30D(a)(iii) was deleted.

16. By the *Diocesan Governance Canon Amendment (FDSC) Canon 2018* [assented to: 6 October 2018]

Secs 2, 5(b), 16(h), 34(h), 43(e) and 52(h) were amended

Part V Secs 23-30 and Part VA Secs 30A-30H were deleted

New Part V Secs 23-30 were inserted

Sec 70(1) and Parts B and D of Schedule 1 were amended

Regulation I – Finance and Diocesan Services Commission was repealed

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Anglican Church of Australia - Diocese of Brisbane  
**Regulation under the Diocesan Governance Canon**

**REGULATION II**

**INSURANCE**

**Made by the Archbishop-in-Council on 25 July 2019 to come into effect on 1 August 2019.**

1. Under section 73 of the Canon, the Archbishop-in-Council prescribes, for the purposes of section 24(a) of the Canon that the Finance & Diocesan Services Commission is to arrange and manage required insurance for the Diocese of Brisbane.

**Interpretation**

2. In this Regulation, except as set out below, expressions defined in the Diocesan Governance Canon have the same meaning as set out in the Canon and:

"Fund" means the Insurance Fund of the Diocese of Brisbane;

"Maternity Leave" means approved leave taken by female Licensed Clergy in the parishes or female lay workers employed by the parishes or any other female Clergy or female lay worker approved by the Board from time to time, in relation to that Clergy or lay worker giving birth to a child;

"Policies" mean policies or procedures relating to insurance placement and management established by the FDSC and the Diocesan Council;

"Property" means the Property of the Corporation or its controlled entities, including but not limited to Buildings, Contents, Motor Vehicles, Watercraft and also associated revenue; and includes the Property of the Corporation of the Lesser Chapter of the Cathedral Church of Brisbane;

"Public Liability" means all sums which the Corporation or its controlled entities including the Corporation of the Lesser Chapter of the Cathedral Church of Brisbane becomes legally liable to pay for compensation in respect of -

- (a) bodily injury and, or
- (b) damage to property

arising as a result of an occurrence happening in connection with their operations;

"Responsible Person" means a person responsible for Property, and includes a churchwarden, parish council, governing body of a school and any other person, board, committee or council responsible for Property;

"Sickness and Accident" means personal sickness and, or accident occurring in respect of Licensed Clergy in the parishes or lay workers employed by the parishes or any other Clergy or lay workers approved by the Board from time to time, which totally or partially incapacitates the Clergy or lay workers so that they are unable to carry out normal duty.

### **The Fund**

3. (a) There is a Fund called the Insurance Fund of the Diocese of Brisbane.
- (b) Moneys will be received into and paid out of the Fund for any purpose arising from the exercise of powers under this Regulation
- (c) The Fund shall be under the direction of the Finance and Diocesan Services Commission.

### **Income of the Fund**

4. All receipts from insurance contributions together with all donations and bequests specifically given to the Fund shall be placed to the credit of an account to be called "The Insurance Fund".

### **Insurance Placement**

5. The Finance and Diocesan Services Commission is to:
  - (a) ensure that Property and Public Liability is adequately insured and that the Corporation has all other necessary insurance that a prudent person of business would deem necessary and appropriate, having regard to the risks and other factors considered relevant;
  - (b) arrange for a scheme of compensation for sickness and accident and maternity leave;
  - (c) act for other insureds associated with the Church in arranging insurance of all kinds should they seek its assistance;
  - (d) arrange for any necessary accident insurance for workers and other persons through self-insurance or otherwise in accordance with statutory requirements;
  - (e) enter into contracts of reinsurance where the Corporation is not the reinsurer;
  - (f) do all things necessary for efficient administration of the Insurance Fund.

### **Contributions**

6. The Finance and Diocesan Services Commission shall set rates of contribution payable by parishes, schools and agencies of the Corporation and insureds who are legal entities in respect of:
  - (a) insurance arranged for the Corporation
  - (b) the Sickness and Accident and Maternity Leave compensation scheme

- (c) any other kind of insurance arranged by the Corporation
- having regard to the risks and other factors considered relevant.

**Duty to Contribute**

- 7. (a) Responsible Persons shall contribute to the Fund from the funds controlled by the Responsible Persons in that capacity for the insurance for the Property and activities for which they are responsible.
- (b) Parishes and other entities operating within the authority of the Corporation who pay stipends or who are employers shall contribute to the scheme for Sickness and Accident and Maternity Leave.

**Duty to disclose particulars**

- 8. Responsible Persons shall provide full details of -
  - (a) the Property;
  - (b) activities and uses carried on at the Property;
  - (c) alterations and additions to the Property;
  - (d) matters that may affect risk in relation to the Property.

**Contributions to be paid on time**

- 9. Contributions shall be paid within the time set for payment by the Finance and Diocesan Services Commission.

**Failure to comply with Canon or Regulations**

- 10. If any Responsible Person fails to comply with this Regulation, any amount out of the Fund which would otherwise have been payable may be withheld until the Responsible Person does comply.

**Events to be reported**

- 11. Responsible Persons who become aware of an event that -
  - (a) may give rise to an insurance claim; or

- (b) may give rise to a claim under the Sickness and Accident and Maternity Leave compensation scheme,

shall at the earliest possible time report the event and provide such details as required in accordance with any Policies made under this Regulation.

### **Payments from the Fund**

12. All payments from the Fund other than as prescribed in sections 13 and 14 of this Regulation shall be at the discretion of the Finance and Diocesan Services Commission but limited to –
- a) The meeting of claims made on the Fund by a Contributor following a reportable event but only in a manner that follows the form of a relevant policy of insurance or reinsurance held by the Fund
  - b) The acquiring of policies of insurance and reinsurance including the cost of service for a professional insurance intermediary
  - c) The investigation or acquiring of relevant risk mitigation, minimisation or management programs or services
  - d) The cost of administration of the Fund

### **Disposal of surplus**

13. After providing fully for all obligations undertaken, and having first given due consideration to the usage of funds to mitigate the scope of future contributions, the Finance and Diocesan Services Commission, from time to time, may approve the disposal and appropriation to purposes approved by Diocesan Council, sums not exceeding in any one year 90% of the residue of net contributions and 90% of the residue of net income from investments.

### **Amalgamation**

14. The Archbishop-in-Council may amalgamate the Insurance Fund with any similar fund in or under the control of any part of the Anglican Church of Australia whose objects are substantially identical.



Anglican Church of Australia - Diocese of Brisbane  
**Regulations under the Diocesan Governance Canon**

**REGULATION III - SICKNESS AND ACCIDENT AND  
MATERNITY LEAVE COMPENSATION SCHEME**

**Made by the Archbishop-in-Council on 25 July 2019 to come into effect on 1 August 2019.**

1. Under section 73 of the Canon, the Archbishop-in-Council prescribes, for the purposes of section 24(a) of the Canon that the Finance & Diocesan Services Commission is to arrange and manage a sickness and accident and maternity leave compensation scheme for the Diocese of Brisbane.

**Primary object**

2. The primary object of this Regulation is to provide some compensation to those responsible for the remuneration of certain clergy and lay workers when the clergy or lay workers enrolled in the Scheme are unable to work because of sickness, accident or maternity leave.

**How the primary object is to be achieved**

3. For the achievement of its primary object, this Regulation provides for -
  - (a) the enrolment of certain clergy and lay workers into a Compensation Scheme;
  - (b) limitations considered necessary upon the scope of the Scheme;
  - (c) the payment of contributions so that the Scheme can be funded;
  - (d) notifications so that the Scheme can be administered;
  - (e) the payment of compensation to those responsible for remunerating the clergy and lay workers who are enrolled in the Scheme.

**Interpretation**

4. In this Regulation, unless the context or subject matter otherwise requires or indicates -

"Enrolled Member" means a person who has been enrolled in the Scheme;

"FDSC" means the Finance and Diocesan Services Commission

"Maternity Leave" means approved leave taken by a female Enrolled Member commencing no more than six weeks and no less than two weeks before the expected date of confinement

"Remunerating Body A" includes, subject to section 5, The Corporation of the Synod of the Diocese of Brisbane;

"Remunerating Body B" includes, subject to section 5, The Corporation of the Synod of the Diocese of Brisbane in relation to the employment of School Chaplains;

"Scheme" means the Sickness and Accident and Maternity Leave Compensation Scheme provided for in this Regulation.

### **Remunerating Body**

5. References to the Remunerating Body in this Regulation shall be taken to apply not only to the Corporation as a corporate entity, but also to those persons individually who manage or administer the affairs of the body, and in particular who are responsible for remunerating an Enrolled Member by way of stipend, salary or wages.

*Example for s.5 - In a parish: the parish priest, churchwardens, parish councillors; in an agency: the manager, office bearers, committee members.*

### **Enrolled Member**

6. The following persons are declared to be eligible to become Enrolled Members for Sickness and Accident purposes -
  - (a) clergy who hold office pursuant to the Canons of the Church in the Diocese and hold a licence from the Archbishop;
  - (b) stipendiary lay persons who are employed by the Remunerating Body.
7. The following persons are declared to be eligible to become Enrolled Members for Maternity Leave purposes -
  - (a) female clergy and female stipendiary lay ministers who hold office pursuant to the Canons of the Church in the Diocese and hold a licence from the Archbishop;
8. The FDSC may determine that particular persons or classes of persons who are eligible to become Enrolled Members are to be enrolled in the Scheme; and shall cause a roll to be maintained of those persons who have been enrolled in the Scheme.
9. The Remunerating Body shall if requested cause to be submitted a health report in respect of any person who becomes eligible to be an Enrolled Member.

### **Notifications to the Board**

10. The Remunerating Body or the Enrolled Member shall, within fourteen days after the sustaining of bodily injury or the commencement of any other cause of disablement specified herein or within such further time as the FDSC may allow or in the event of maternity leave no later than three months before the expected date of confinement, give written notice containing full particulars of the event to the FDSC.

11. An Enrolled Member as often as reasonably required by the FDSC shall submit to medical examination on behalf of the Scheme at the Scheme's expense.
12. All certificates and evidence required by the FDSC shall be in such form and of such nature as the FDSC shall prescribe.

### **Contribution**

13. The FDSC shall set and determine the rate of contribution to be paid by the Remunerating Body in respect of each Enrolled Member and shall notify the Remunerating Body in writing of the contribution payable in respect of each Enrolled Member for whom the Remunerating Body is responsible under the Scheme.
14. The Remunerating Body shall pay to the FDSC the contribution fixed in respect of each Enrolled Member for whom the Remunerating Body is responsible under the Scheme by the due date notified by the FDSC.

### **Payment of compensation for Sickness and Accident purposes**

15. Except as hereinafter provided the FDSC shall pay to the Remunerating Body responsible for the remuneration of the Enrolled Member reimbursement of **VOUCHED** expenses incurred to provide replacement ministry in the case of Remunerating Body A, and **ACTUAL** expenses incurred for a Chaplains appointment in the case of Remunerating Body B, as set out below in the event of:
  - (a) Total disablement from engaging in or attending to the usual duties of office for a period of not less than seven days from the date of commencement of medical attention for the disability, limited to 55 weeks for a permanent appointment commencing on the expiration of the said seven days, an amount per week not exceeding 1/52 part of the annual minimum rate of stipend for parish priests as provided under the Parishes Regulation Canon at the time covered by the compensation.
  - (b) Partial disablement from engaging in or attending to the usual duties of office for a period of not less than seven days from the date of commencement of medical attention for the disability, limited to 55 weeks for a permanent appointment commencing on the expiration of the said seven days, an amount per week not exceeding the percentage of disablement times 1/52 part of the annual minimum rate of stipend for parish priests as provided under the Parishes Regulation Canon at the time covered by the compensation.
  - (c) Disablement as set out above, a supplementary allowance for each week that compensation is paid in accordance with this section for additional expenses of ministry necessarily incurred not exceeding the percentage of disablement times (1/52 part of – the annual minimum rate of stipend for parish priests plus 0.55% of MRS) less the actual compensation paid under clause (a) or (b) above for the same week.
  - (d) For a part time appointment, the payments in clauses (a), (b) and (c) above will be pro rata based on a six day working week.
  - (e) Disablement as set out above a minimum benefit of 30% of the entitlement the remunerating body would have under clauses 15(a), (b) and (d) if the replacement

ministry was provided. When a payment of compensation is finalised and the reimbursement of vouched expenses is less than this 30% minimum, the difference shall be paid to the remunerating body.

- (f) An Enrolled Member being entitled to receive compensation under a WorkCover Queensland policy, the benefits set out in clauses (a) to (e) reduced by any WorkCover Queensland 'wages' payments. A claim must be lodged with WorkCover Queensland when an entitlement exists.
16. The amounts of compensation per week referred to in the previous section may be rounded off by the FDSC to the nearest whole \$5 for ease of administration.
17. Entitlement to the payment of sickness and accident compensation shall cease on the earliest occurrence of -
- (a) The date which completes the entitlement to the payment of compensation.
  - (b) The date on which the Enrolled Member ceases to be disabled.
  - (c) The date on which the Enrolled Member dies.
  - (d) The date on which the Enrolled Member's application for a Total & Permanent Disablement Benefit from another source is accepted by that source.
  - (e) The date on which the Enrolled Member ceases to be remunerated.

**Payment of compensation for Maternity Leave purposes**

18. Except as hereinafter provided the FDSC shall pay to the Remunerating Body responsible for the remuneration of the Enrolled Member reimbursement of **VOUCHED** expenses incurred to provide replacement ministry in the case of Remunerating Body A, and **ACTUAL** expenses incurred for a Chaplains appointment in the case of Remunerating Body B, as set out below in the event of:
- (a) Approved maternity leave preventing the Enrolled Member from engaging in or attending to the usual duties of office, limited to 12 weeks for a permanent appointment commencing no more than six weeks and no less than two weeks before the expected date of confinement, an amount per week not exceeding 1/52 part of the annual minimum rate of stipend for parish priests as provided under the Parishes Regulation Canon at the time covered by the compensation.
  - (b) Maternity Leave as set out above, a supplementary allowance for each week that compensation is paid in accordance with this section for additional expenses of ministry necessarily incurred not exceeding (1/52 part of - the annual minimum rate of stipend for parish priests plus 0.55% of MRS) less the actual compensation paid under clause (a) above for the same week.

- (c) Maternity Leave as set out above, a minimum benefit of 30% of the entitlement the remunerating body would have under clause 18(a) if the replacement ministry was provided. When a payment of compensation is finalised and the reimbursement of vouched expenses is less than this 30% minimum, the difference shall be paid to the remunerating body.
  - (d) For a part time appointment, the payment in clause (a) above will be pro rata based on a six day working week.
19. Entitlement to the payment of maternity leave compensation shall cease on the earliest occurrence of -
- (a) The date which completes the entitlement to the payment of compensation.
  - (b) The date on which the Enrolled Member dies.
  - (c) The date on which the Enrolled Member ceases to be remunerated.

### **Exclusions**

20. Compensation under the Scheme does not apply to any:
- (a) amounts which the Enrolled Member has received as 'wages' compensation under a policy issued by WorkCover Queensland;
  - (b) event which at the discretion of the FDSC -
    - (i) is an event in respect of which the Enrolled Member is entitled to receive compensation under any policy of insurance other than a WorkCover Queensland policy;
    - (ii) results from an Enrolled Member's engaging in or taking part in:
      - (A) flying in an aircraft or aerial device other than as a passenger in an aircraft licensed to carry passengers; or
      - (B) training for or engaging in professional sports of any kind;
    - (iii) results from any intentional self-injury or attempt at same, suicide or any illegal or criminal act committed by an Enrolled Member;
    - (iv) results from the use, existence or escape of nuclear weapons material or ionising radiation from or contamination by radio-activity from any nuclear fuel or nuclear waste from the combustion of nuclear fuel;
    - (v) results from pregnancy, childbirth or miscarriage, except for the complication of these conditions. This exclusion only applies in relation to Sickness and Accident compensation;

- (vi) happens whilst the Enrolled Member by intoxicating liquor narcotics or drugs is rendered less capable than usual of taking care of him or herself or which event is directly or indirectly attributable thereto or consequential thereon.

- 21. Compensation under the Scheme does not apply in respect of any consequence of war, invasion, act of foreign enemy, hostilities [whether war be declared or not], civil war, rebellion, revolution, insurrection or military or usurped power or terrorism.

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Anglican Church of Australia - Diocese of Brisbane

**Regulation under the Diocesan Governance Canon**

**REGULATION I  
RECORDS AND ARCHIVES**

made by the Archbishop-in-Council on 28 February 2019.

1. Under section 73 of the Canon, the Archbishop-in-Council prescribes, for the purposes of section 24(a) of the Canon that the Finance & Diocesan Services Commission is to administer the records and the Diocesan Archives in accordance with this Regulation.

**Interpretation**

2. In this Regulation, except as set out below, expressions defined in the Diocesan Governance Canon have the same meaning as set out in the Canon and:

"Archives" means those records which are the subject of Retention and Preservation.

"Disposal" (in relation to records) means the donation, transfer, sale, archiving, destruction, or otherwise deletion of records. Disposed shall have a corresponding meaning.

"Manage" (in relation to records and the Archives) means the acquisition, storage, provision of access to, Retention, Disposal and other management, preservation and conservation of records. Managed and Management shall have a corresponding meaning.

"Policies" mean policies or procedures relating to records or the Archives established by the FDSC and the Diocesan Council.

"Retention" (in relation to records) mean the identification of such records as are deemed essential to the corporate memory of the Church and necessary for permanent preservation in a useable form for the benefit of present and future generations.

"School" means an Anglican School as defined in paragraph 2(a) and (d) of the Diocesan Governance Canon.

**Ownership and Management of Records**

3.
  - (1) The records of the Church are and shall be the property of the Corporation.
  - (2) All records of the Church must be dealt with in accordance with the provisions of this Regulation and any Policies made under this Regulation.

**Delivery of records**

4. (1) Subject to any requirements under applicable laws, all records of the Church must be Managed by the Commission, parish, School, or Agency which generates them in accordance with the Policies.
- (2) All records of the Church which are not in regular use for entry of events or for frequent reference by those with authority to make such entries or references shall be Disposed in accordance with agreed Policies.
- (3) A person who has the custody of or possesses any records of the Church must (on demand from the General Manager or appointed delegate) deliver them up in accordance with such demand. On delivery of such records, the person is discharged from any responsibility for those records.



Anglican Church of Australia - Diocese of Brisbane

## **ELECTION BY SYNOD CANON**

**A Canon to regulate the elections conducted by Synod and to provide for the filling of vacancies in such positions.**

### **Short Title**

1. This Canon may be cited as the "Election by Synod Canon".

### **Elections regulated by this Canon**

2. Wherever in the Canons there is provision for persons to be elected by Synod, this Canon shall regulate such election.

### **Term of office**

3. The persons elected pursuant to the provisions of this Canon shall continue and remain in office except as hereinafter provided until their successors are elected, and shall be eligible for re-election except as provided in any Canon.

### **Nominations**

4. (1) Where no more nominations are received than are required for the positions to be filled in any election, those persons nominated shall be declared elected.  
(2) No person shall be nominated unless that person has accepted nomination in writing beforehand.  
(3) Nominations may be made only by members of Synod who are eligible to take part in the election for the position being filled.

### **Ballot**

5. Where more nominations are received for an election than are required for the positions to be filled, the Synod shall proceed to election by ballot.

### **Tied voting**

6. (1) Except as hereinafter provided, the President shall have a casting vote in the case of a tie in the voting in any election.

- (2) In the case of a ballot held under the Parishes Regulation Canon for the office of Diocesan Nominator or Reserve Diocesan Nominator, a tie in the voting shall be resolved as set out in that Canon.

### **Vacancy**

7. The office of any person elected pursuant to the provisions of this Canon shall become vacant when the person -
  - (a) dies; or
  - (b) resigns in writing addressed to the Archbishop and the resignation is accepted by him; or
  - (c) departs out of the Diocese with the intention of residing permanently outside the Diocese; or
  - (d) ceases to be a member of Synod, where membership of Synod is a necessary qualification for remaining in office; or
  - (e) becomes incapable of acting by reason of having been declared of unsound mind by an order or judgment of any competent court or tribunal; or
  - (f) is disqualified from office by the Canon under which the election was required.

### **Filling of a vacancy**

8. (1) When the office of any person elected pursuant to the provisions of this Canon falls vacant, that office shall be filled by the appointment of a fit and qualified person at the next ordinary meeting of the Diocesan Council by the members of the Council, provided that in the case where the election in Synod was by only one house of the Synod, only members of the Diocesan Council who belong to that house shall be entitled to vote in the said appointment.
- (2) The person so appointed to fill a vacancy shall hold office for the remainder of the term of office of the person being replaced.

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### **NOTES**

1. By the *Diocesan Council Canon Amendment Canon 2008* [assented to: 21 June 2008]  
Sec 3 was amended.
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Anglican Church of Australia – Diocese of Brisbane

## **ELIGIBILITY FOR OFFICE CANON**

**A Canon to facilitate the application of government requirements in relation to certain office-holders of the Church.**

The Archbishop, Clergy and Laity of the Diocese of Brisbane assembled in Synod prescribe –

### **Short Title**

1. This Canon may be cited as the “Eligibility for Office Canon”.

### **Interpretation**

2. In this Canon or in any regulation made pursuant to this Canon unless the context or subject matter otherwise requires or indicates –

“Office” means any office, appointment or engagement (not including a position of employment) to which a person may be elected or appointed or which a person may hold ex-officio pursuant to the Constitution and Canons.

“Regulation” means a Regulation made pursuant to the provisions of this Canon.

“Specified Certificate” means a certificate or notice issued by a department or agency pursuant to an Act or Regulation of the State or Commonwealth government which it is necessary for a person to hold in order to exercise certain functions in the community, or which it is necessary for individual members of a body to hold for that body to exercise certain functions, and declared by Synod or the Archbishop-in-Council by Regulation to be a Specified Certificate.

### **Regulations**

3. (1) The Synod or the Archbishop-in-Council may from time to time make, amend or repeal Regulations, not inconsistent with the provisions of this Canon, providing for all or any of the purposes whether general or to meet particular cases, which may be convenient for the administration of this Canon or which may be necessary or expedient to carry out the objects and purposes of this Canon.
- (2) Every Regulation made by the Archbishop-in-Council under the provisions of this Canon shall be recorded in the minutes of the Council and shall be laid before the next ordinary session of Synod.
- (3) Notwithstanding anything contained in this or in any other Canon or in the Standing Orders for the time being of Synod, it shall be competent for any member of Synod, by notice in writing given and read aloud at Synod on some previous day, to present a motion for the amendment or repeal of any Regulation made by the Archbishop-in-Council.

**Application**

4. The Synod or the Archbishop-in-Council may from time to time by Regulation declare that to be qualified to hold a particular Office a person must hold a Specified Certificate and may also declare in relation to a particular Office that (under circumstances and on conditions to be set out in the Regulation) evidence that a person has made an application for a Specified Certificate may be treated as the holding by that person of the Specified Certificate for the purposes of this Canon until the application has been withdrawn or determined or for such period as may be set out in the Regulation.
5.
  - (1) The provisions of this Section shall not apply to an office held by a member of the Clergy, the holding of which entitles the person to be a member of Synod.
  - (2) Where a person has been elected or appointed to an Office the election or appointment shall be provisional only and shall not be effective to allow the person so elected or appointed to hold the Office unless or until the person is duly qualified in accordance with the provisions of this Canon and where after a reasonable time [such time to be determined by the Archbishop-in-Council] the person is not qualified to hold the Office, the Archbishop-in-Council may declare the election or appointment to be null and void and the Office vacant.
  - (3) Where a person holding an Office is not qualified or ceases to be qualified pursuant to the provisions of this Canon to hold that Office, then that person ceases to hold that Office and that Office becomes vacant, notwithstanding the provisions of any other Canon as to the manner or time of such Office becoming vacant.
6. Notwithstanding the provisions of any Canon pursuant to which a person is or becomes an ex-officio member of a council, commission, committee, board or other body, a person shall not become the holder of an Office in an ex-officio capacity or continue to hold such Office unless and until the person is duly qualified to hold that Office in accordance with the provisions of this Canon.
7. A provision in any Canon which provides for a person to hold an Office until the person's successors are elected or appointed shall be interpreted to mean that the person shall continue to hold the Office until the person's successors take up and hold the Office in accordance with the provisions of this Canon. The Archbishop-in-Council may determine any issue, conflict or doubt which may arise in connection with the provisions of this section including without limitation identifying which person who is a member of a Board or Council or Committee will continue to hold office pursuant to its provisions.

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**NOTES**

1. The *Eligibility for Office Canon 2002* was assented to on 22 June 2002.
2. By the *Eligibility for Office Canon Amendment Canon 2003* [assented to: 29 June 2003] - Secs 4 and 5 were amended.

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Anglican Church of Australia – Diocese of Brisbane

Regulations under the Eligibility for Office Canon

## **REGULATION I**

made by the Synod on 22 June 2002 with amendments by the Archbishop-in-Council to 19 December 2013.

[Sections 2; 4]

1. It is declared that a current positive Suitability Card for Child Related Employment issued pursuant to the Commission for Young Children and Young People Act 2000 (Qld) is a Specified Certificate (in this Regulation called “Specified Certificate”).
2. It is declared that a person must hold a Specified Certificate in order to be qualified to hold the Office of member of the Diocesan Council.
3. It is declared that a person must hold a Specified Certificate in order to be qualified to hold the Office of member of a Parish Council.
4. When a person is elected or appointed to hold the Office of a member of a Parish Council and does not hold a Specified Certificate, the period specified in accordance with section 5(2) of the Canon for obtaining a Specified Certificate is three months from the date of the election or appointment.

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Anglican Church of Australia - Diocese of Brisbane

## **FOUNDATION (AGED CARE) CANON**

**A Canon to provide for the Constitution of the Anglican Foundation for Aged Persons.**

### **Short Title**

1. This Canon may be cited as the "Foundation (Aged Care) Canon".

### **Constitution**

2. The constitution of the Anglican Foundation for Aged Persons shall be the Constitution set out in the Schedule to this Canon as the said Constitution may from time to time be repealed altered or amended by Synod.

### **SCHEDULE**

[Section 2]

## **ANGLICAN FOUNDATION FOR AGED PERSONS**

### **CONSTITUTION**

#### **Name**

1. The Foundation hereby constituted is named "Anglican Foundation for Aged Persons".

#### **Interpretation**

2. (1) In this Constitution unless the context or subject matter otherwise requires or indicates -  
  
"Approved Fund" means any fund established for the benefit of aged persons approved by the Board of Management and the Archbishop-in-Council and approved by the Commissioner of Taxation as a Public Benevolent Institution for the purposes of any Commonwealth Taxation Act;  
  
"Board of Management" means the Board constituted in accordance with this Constitution;  
  
"Foundation" means the Anglican Foundation for Aged Persons, in continuance of the Anglican Foundation for Disabled and Aged Persons constituted under the provisions of the Canons heretofore in existence;
- (2) References to Governors, Fellows, Members, Associate Members, Founding Governors, Founding Fellows and Founding Members shall mean those persons and

bodies who qualified for membership of the Foundation under the Constitution in force prior to the coming into effect of this Constitution.

- (3) Section headings in no way whatsoever are to affect the interpretation of this Constitution.

### **Office**

3. The office of the Foundation will be situated at 373 Ann Street Brisbane or at such other place as the Board of Management may with the approval of the Archbishop-in-Council from time to time determine.

### **Objects**

4. The objects for which the Foundation is established are to assist the Church in this Diocese to establish develop and maintain facilities for the benefit of aged persons in the community and otherwise to assist the Diocese to aid and care for such persons and in particular but without limiting the generality of the foregoing -
  - (a) to create opportunities for the Diocese to attract and retain the continuing interest and financial support of a concerned group of persons who are interested in aiding in the provision of care for the aged;
  - (b) to solicit donations and gifts to or for the benefit of the Foundation or any Approved Fund from any source deemed appropriate by the Archbishop-in-Council to the promotion of the objects of the Foundation and:
    - (i) to raise finance for the acquisition of land or facilities or the acquisition construction or maintenance of buildings used or to be used for the care of aged persons;
    - (ii) to provide financial assistance for the acquisition of plant and equipment of all types needed in caring for aged persons;
    - (iii) to provide financial assistance for conducting establishments for the benefit of aged persons;
    - (iv) to provide financial assistance for the employment of nursing staff with specialised skills and other staff employed in caring for aged persons or in establishments conducted for the benefit of such persons;
  - (c) to facilitate and encourage the making of bequests, legacies and all forms of deferred gifts for the purposes aforesaid;
  - (d) to raise money for the purposes aforesaid by any method approved by the Archbishop-in-Council;
  - (e) to recommend to the Archbishop-in-Council the production of publications and the issue thereof to the members of the Foundation and others;

- (f) to do all such things as are incidental or conducive to the attainment of any or all of the above objects.

### **Membership of Foundation**

- 5. (1) In respect of membership of the Foundation as set out in this section, words importing persons include companies, corporations, institutions, organisations, groups of people and public bodies.
- (2) Persons who are or who are qualified to be Governors, Fellows, Founding Governors or Founding Fellows of the Foundation as at 30 June 1999 shall be entitled to be Governing Members of the Foundation ("Governing Members").
- (3) Persons who are or who are qualified to be Members, Founding Members or Associate Members of the Foundation as at 30 June 1999 shall be entitled to be Senior Members of the Foundation ("Senior Members").
- (4) A member being a company, corporation, institution, organisation, group of people or public body shall by written notice to the Foundation nominate (and may from time to time by giving written notice to the Foundation alter such nomination) a natural person to represent such member and that person alone shall be able to represent, act as and exercise the membership rights of such member.
- (5) A Governing Member or a Senior Member may resign from membership of the Foundation by giving notice in writing delivered to the office of the Foundation and such person shall thereupon cease to be a member.

### **Rights of Governing Members**

- 6. (1) Subject to the provisions of this section Governing Members of the Foundation shall be entitled to membership of the Board of Management. They shall be notified in writing at the instance of the General Manager, as soon as is practical after 30 June 1999, of their entitlement to membership of the Board of Management. Where they do not advise the General Manager in writing by 31 December 1999 that they will serve as a member of the Board of Management they shall cease to be entitled to membership of the Board of Management.
- (2) Governing Members who have not attended a meeting of the Board of Management for a period of two years shall cease thereafter to be entitled to do so, but may subsequently be appointed to the Board under Section 8.

### **Management**

- 7. The control management and conduct of the Foundation shall be vested in the Board of Management provided that such Board of Management shall not expend any moneys of the Foundation for any purpose other than in the ordinary course of the day to day administration and operations of the Foundation that is not approved by the Archbishop-in-Council.



**Board of Management**

8. (1) The Board of Management shall comprise:
  - (a) the Archbishop (who shall be President of the Foundation);
  - (b) the Chairman;
  - (c) Governing Members of the Foundation who are entitled pursuant to this Constitution to serve as members of the Board of Management;
  - (d) up to three Senior Members of the Foundation appointed by the Board of Management for a term not exceeding one year;
  - (e) up to three persons appointed by the Archbishop-in-Council at the first meeting of the Council held after the annual session of Synod;
  - (f) a person appointed by the Commission for Community Welfare and Social Justice for a period of no more than one year at a time;
  - (g) the General Manager or his representative;
  - (h) the Manager of Anglican Care of the Aged.
- (2) The Chairman shall be appointed by the Archbishop for a period of no more than one year at a time, and may be removed by him for any reason which appears to him to be sufficient.
- (3) The persons appointed by the Archbishop-in-Council hold office until the first meeting of the Council held after the annual session of Synod, and may be removed by the Archbishop-in-Council for any reason which appears to the Council to be sufficient.
- (4) In appointing persons to be members of the Board of Management the Archbishop-in-Council shall consider any Senior Members and any other persons who may be nominated for that purpose by the Board of Management or the Commission for Community Welfare and Social Justice.
- (5) In appointing persons to be members of the Board of Management the Archbishop-in-Council and the Board of Management shall endeavour, so far as may be practicable, to ensure that at least 70% of the members of the Board of Management are Members of this Church.
- (6) Any member of the Board of Management may resign in writing to the office of the Board. A vacancy on the Board of Management of an appointed member may be filled by the person or body who appointed the member, to hold office for the remainder of the term of that member.

### **Proceedings of the Board of Management**

9. (1) Subject to the provisions of this Constitution, members of the Board of Management shall determine procedures for meetings and exercise the powers of the Foundation as they consider appropriate from time to time.
  - (2) The Board of Management shall meet at least four times each year to conduct the affairs of the Foundation.
  - (3) The Chairman shall chair each meeting of the Board of Management at which the Chairman is present, but if the Chairman is not present at any meeting, the President (if he is present) shall chair it, or otherwise the members present shall appoint one of their number to chair that meeting.
  - (4) Matters to be determined by the Board of Management shall be determined by a simple majority of members (including the person chairing the meeting) present at a meeting of the Board of Management. The President (or in the President's absence the person chairing the meeting) shall have an additional casting vote in the event of an equal number of votes for and against a motion.
  - (5) The person chairing the meeting shall cause minutes of each meeting of the Board of Management to be taken, for approval at the following meeting of the Board of Management.
  - (6) The quorum for a meeting of the Board of Management shall be five (not counting the President or the General Manager or his representative).
10. A resolution in writing agreed to in writing by more than half of the members of the Board of Management shall be as valid and effectual as if it had been passed at a meeting of the Board of Management duly convened and held. Any such resolution may consist of several documents in like form, each signed by one or more members of the Board of Management.

### **Powers and Duties of the Board of Management**

11. Without affecting the generality of the foregoing and subject to the general or specific directions of the Synod of the Diocese or the Archbishop-in-Council the Board of Management may:
- (a) raise money on behalf of the Foundation or any Approved Fund by way of loan subject to the prior approval of the Archbishop-in-Council in each instance;
  - (b) appoint any professional or other assistance or service required by the Foundation in the carrying out of its business activities and operations and pay reasonable remuneration and fees therefor;
  - (c) apply the funds of the Foundation in accordance with its objects, subject however to the provisions of this Constitution.

**Property of the Foundation**

12. All property received by the Foundation shall vest in The Corporation of the Synod of the Diocese of Brisbane.

**Executive**

13. (1) The day to day administration of the Foundation shall be under the control of an Executive which shall also be responsible for implementing the policies of the Board of Management.
- (2) The Executive shall consist of -
- (a) the Chairman;
  - (b) the General Manager;
  - (c) up to three other members of the Board of Management appointed from time to time by the Board of Management.

**Committees**

14. (1) The Board of Management may appoint one or more Committees consisting of at least one member of the Board of Management and such other persons as the Board of Management may think fit.
- (2) The Board of Management may, subject to this Constitution, delegate such of its duties, responsibilities and powers as it may think fit to a Committee and revoke that delegation.

**Administration**

15. The financial and business year of the Foundation shall end on 31 December each year.
16. The Board of Management shall:
- (a) cause proper accounts to be kept with respect to all sums of money received and expended by the Foundation and the matter in respect of which the receipt and expenditure takes place and the assets and liabilities of the Foundation;
  - (b) cause to be prepared a Balance Sheet and a Statement of Income and Expenditure drawn up at 31 December each year.
17. (1) The proceedings of each meeting of the Board of Management shall be reported in sufficient detail to the next succeeding meeting of the Commission for Community Welfare and Social Justice.
- (2) The Board of Management shall report in writing to each annual session of Synod.

### **Money Received by the Foundation**

18. All moneys (other than contributions to Approved Funds which will be paid in full to such funds) received by or on behalf of or as a result of the activities of the Foundation shall after meeting normal management operation and collection costs be applied solely in furtherance of the objects of the Foundation subject to the prior approval of the Archbishop-in-Council.
19. No portion of the funds of the Foundation shall be distributed directly or indirectly by way of dividend bonus or otherwise howsoever by way of profit to the Board of Management provided that nothing herein prevents the payment, in good faith, of reasonable and proper remuneration to any officer or servant of the Foundation or to any member of the Foundation for services actually rendered to the Foundation but no member of the Board of Management of the Foundation shall be appointed to any salaried office of the Foundation or any office of the Foundation paid by fees and no remuneration or other benefit in money or money's worth shall be given by the Foundation to any member of the Board of Management except as a bona fide compensation for services rendered or expenses incurred provided that the provisions last aforesaid do not apply to any company of which a member of the Board of Management may be a member and in which such member holds no more than a one-hundredth part of the capital and such member shall not be bound to account for any share of profits the member may receive in respect of such payment.

### **Audit**

20.
  - (1) The accounts shall be subject to audit at least once in each financial year and a duly audited copy of the Balance Sheet and Statement of Income and Expenditure shall be furnished to the Archbishop and the General Manager.
  - (2) The Auditor shall be an accountant in public practice who is a member of the Institute of Chartered Accountants in Australia or the Australian Society of Certified Practising Accountants.
  - (3) The Auditor shall report to the Synod.
  - (4) The Auditor in the said report shall state:
    - (a) whether in the Auditor's opinion, the accounts are properly drawn up so as to give a true and fair view of the financial position of the Foundation, and
    - (b) whether the rules relating to the administration of the funds of the Foundation have been observed.

### **Indemnity**

21.
  - (1) Any member of the Board of Management Officer or employee of the Foundation shall be indemnified out of the assets of the Foundation against any liability incurred by that person in defending any proceedings whether civil or criminal taken against that person by reason of the person's actions in relation to or connected with the Foundation in which judgement is given in the person's favour or in which the person is acquitted or

in which relief is granted to the person by the Court in respect of any negligence, default, breach of duty or breach of trust.

- (2) No member of the Board of Management shall be responsible for loss arising out of the investment of moneys of the Foundation in the administration of the Fund unless any such loss shall arise from the member's own wilful default or neglect.

### **By-Laws**

22. The Board of Management may at its discretion and with the approval of the Archbishop-in-Council determine by-laws for the operation of the Foundation its Committees or Officers not otherwise provided for herein.

### **Winding-up**

23. The Foundation shall be wound up if the Synod or the Archbishop-in-Council approves.
24. Should winding-up be approved as provided in the previous section all appropriate steps shall be taken to carry this into effect.
25. In the event of the winding up of the Foundation, the amount that remains after winding up and after the satisfaction of all debts and liabilities shall be transferred to any organization as determined by the Archbishop-in-Council (within the Diocese of Brisbane of the Anglican Church of Australia) which has similar objects and which is approved by the Commissioner of Taxation as a Public Benevolent Institution for the purposes of any Commonwealth Taxation Act.

### **Amendment**

26. This Constitution may be amended or varied in any way by the Synod.

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## **NOTES**

1. The *Foundation Canon* is part of Schedule 2 of the *Consolidating Canon 1990* [assented to: 12 June 1990].
2. By the *Insurance Canon 1997* [assented to: 21 June 1997] -  
Secs 21 and 22 were amended.
3. By the *Foundation Canon Amendment Canon 1999* [assented to: 19 June 1999; in operation 1 July 1999] -  
The Long Title and secs 1 and 2 were amended; the Schedule was repealed and a new Schedule substituted.

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Anglican Church of Australia - Diocese of Brisbane

## **GENERAL MANAGER CANON 1992**

### **A Canon to provide for the office of General Manager and for related purposes.**

Be it declared and established by the Archbishop, Clergy and Laity of the Diocese of Brisbane in Synod assembled as follows -

#### **Short Title**

1. This Canon may be cited as the "General Manager Canon 1992".

#### **Commencement**

2. This Canon shall come into operation on a date to be fixed by the Archbishop-in-Council.

#### **Office of General Manager created**

3. (1) The office of General Manager of the Diocese is hereby created.  
(2) The General Manager is the person appointed to that office from time to time by the Archbishop-in-Council on such terms and conditions as the Archbishop-in-Council and the Property and Finance Board shall determine.

#### **References to Registrar**

4. A reference to the Registrar in any Canon regulation or standing order, or in the constitution of any school (the ownership of which is vested in The Corporation of the Synod of the Diocese of Brisbane or held by trustees in trust for the same) church society or organization or other church institution, shall be read as being a reference to the General Manager.

#### **Administration of oaths**

5. The Archbishop-in-Council may from time to time appoint a person to be the Registrar for the purposes of the administration of oaths in accordance with section 7 of The Anglican Church of Australia Constitution Act of 1961.
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**NOTES**

1. The *General Manager Canon 1992* was assented to on 25 June 1992.
2. The canon came into operation on 6 July 1992.

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Anglican Church of Australia - Diocese of Brisbane

## **GENERAL SYNOD LEGISLATION CANON**

**A Canon to declare assent to the Constitution of the Anglican Church of Australia and amendments thereto; and adoption of Canons of the General Synod of the Anglican Church of Australia.**

### **Short Title**

1. This Canon may be cited as the "General Synod Legislation Canon".
2. *[repealed 1996]*

### **Constitution of the Anglican Church of Australia assented to**

3. The Diocese assents to the Constitution of the Church of England in Australia which Constitution for identification purposes was signed by the Archbishop and Chairman of Committees on 28 June 1956 and deposited in the Diocesan Registry at Brisbane subject to the provisions in the said Constitution contained.

### **Amendments of the Constitution of the Anglican Church of Australia assented to**

4. The Synod assents to the Canons and the Bills for Canons to alter the Constitution of the Anglican Church of Australia set out in Schedule 1.

### **Canons of General Synod adopted**

5. The Diocese adopts the Canons of the General Synod of the Anglican Church of Australia set out in Schedule 2.

### **Canons of General Synod assented to**

6. For the purposes of the provisions of sub-section (3) of section 32 of the Constitution of the Anglican Church of Australia the Diocese assents to the Canons of the General Synod of the Anglican Church of Australia set out in Schedule 3.

### **Bills for Canons of General Synod assented to**

7. For the purposes of the provisions of sub-section (2) of section 28A of the Constitution of the Anglican Church of Australia, the Diocese assents to the Bills for Canons of the General Synod of the Anglican Church of Australia set out in Schedule 4.



**Delegation to Diocesan Council to assent to bills for the purpose of section 28A of the Constitution of the Anglican Church of Australia**

8. The Synod delegates to the Diocesan Council the power to assent to a bill circulated by the Standing Committee of the General Synod pursuant to section 28A of the Constitution of the Anglican Church of Australia by resolution provided:
- (a) the Diocesan Council resolves that it is necessary or desirable for the assent to be given by the Diocesan Council before the next session of Synod;
  - (b) the resolution to assent to the bill is passed by Diocesan Council with the assent of the Archbishop and either:
    - (i) two-thirds of the Clerical members and two-thirds of the lay members present at the meeting at which the resolution is considered; or
    - (ii) a resolution passed in accordance with section 10 of the Diocesan Council Canon but as if the words "a majority" wherever appearing in that section are read as "two-thirds".
9. A resolution of Diocesan Council passed in accordance with section 8:
- (a) takes effect as if it were a Canon of the Synod that adds the bill to schedule 4 of this Canon and authorises such amendment to schedule 4; and
  - (b) must, within fourteen days of the resolution being passed, be notified to the members of Synod and made available on the Diocesan website together with a copy of the bill and any explanatory memoranda.
- The notice may be given electronically or in a publication generally available to members of Synod.
10. The Synod declares that the Diocesan Council is the body in the Diocese of Brisbane that is the Diocesan Council for the purpose of the Constitution of the Anglican Church of Australia.

**SCHEDULE 1**

[Section 4]

- |              |  |
|--------------|--|
| No. 16, 1966 | A Canon to provide for the alteration of the name of the Church to The Anglican Church of Australia                                    |
| No. 2, 1981  | A Bill to alter the Constitution of the Anglican Church of Australia with respect to the mode of appointment of the Appellate Tribunal |
| No. 12, 1985 | A Canon to alter the Constitution to amend the definition of "Member"  |
| No. 1, 1985  | A Bill to alter the Constitution to amend the definition of "Member"   |
| No. 22, 1985 | A Canon to alter the Constitution in relation to Deacons and the Houses of Synod   |

- No. 2, 1985 A Bill to alter the Constitution in relation to Deacons and the Houses of Synod
- No. 1, 1987 A Canon to alter the Constitution with respect to alteration of the Constitution
- No. 1, 1987 A Bill to alter the Constitution with respect to alteration of the Constitution.
- No. 5, 1989 A Canon to alter the Constitution in relation to the making of Canons
- No. 2, 1989 A Bill to alter the Constitution in relation to the making of Canons
- No. 6, 1989 A Canon to alter the Constitution with respect to the title of a Primate who is not a Metropolitan
- No. 3, 1989 A Bill to alter the Constitution with respect to the title of a Primate who is not a Metropolitan
- No. 9, 1989 A Canon to alter the Constitution in relation to Canonical Fitness
- No. 5, 1989 A Bill to alter the Constitution in relation to Canonical Fitness
- No. 13, 1992 Constitution Alterations (Sections 17 and 23) Canon 1992
- No. 14, 1992 Constitution Alteration (Miscellaneous Sections) Canon 1992
- No. 9, 1995 Constitution Amendment (Table Annexed) Canon 1995
- No. 17, 1995 Constitution Amendment (Rights of Non-Members of General Synod) Canon 1995
- No. 2, 1998 Revised Constitution Amendment (Interpretation) Canon 1998
- No. 10, 1998 Constitution Alteration (Tribunals) Canon 1998 as amended by Canon 8, 2001  
Constitution Alteration (Tribunals) Canon Amendment Canon 2001
- No. 16, 1998 Constitution Alteration (Composition of General Synod) Canon 1998
- No. 18, 1998 Constitution Alteration (Discipline Clarification) Canon 1998
- No. 8, 2001 Constitution Alteration (Tribunals) Amendment Canon 2001
- No. 13, 2001 Constitution Alteration (Suspension from Duties) Canon 2001
- No. 14, 2001 Constitution Alteration (Special Tribunal) Canon 2001
- No. 13, 2004 Constitution Alteration (Chapter IX) Canon 2004
- No. 6, 2007 Constitution Alteration (Chapter IX) Canon 2007
- No. 16, 2007 Constitution Amendment (Section 54A) Canon 2007
- No. 18, 2007 Constitution Amendment (Suspension of Bishops) Canon 2007

No. 2, 2007	Constitution Amendment (Diocesan Council) Canon 2007
No. 8, 2007	Constitution Amendment (Section 10) Canon 2007
No. 19, 2007	Constitution Amendment (Provinces and Dioceses) Canon 2007
No. 1, 2010	Constitution Amendment (Diocesan Council) Canon 2010
No. 2, 2010	Constitution Amendment (Diocesan Council) Repeal Canon 2010
No. 3, 2010	Constitution Amendment (Appellate Tribunal Part Heard Matters) Canon 2010
No. 8, 2010	Constitution Amendment (Section 30) Canon 2010
No. 9, 2010	Constitution Amendment (Sentences of Tribunals) Canon 2010
No. 12, 2010	Constitution Alteration (Chapter V) Canon 2010
No. 4, 2014	Constitution Amendment (Membership of the Diocesan Tribunal) Canon 2014
No. 5, 2014	Constitution Amendment (Membership of the Provincial Tribunal) Canon 2014
No. 2, 2017	Constitution (Appellate Tribunal) Amendment Canon 2017
No. 6, 2017	Constitution (Jurisdiction of Special Tribunal) Amendment Canon 2017

**SCHEDULE 2**

[Section 5]

No. 4, 1962	A Canon to specify offences under Sections 54, 55 & 56 of the Constitution
No. 5, 1962	A Canon providing for the appointment of a Board of Assessors in relation to the Appellate Tribunal
No. 6, 1962	A Canon prescribing matters incidental to the exercise of jurisdiction by the Special Tribunal and the Appellate Tribunal
No. 3, 1966	A Canon to provide for the consecration of Bishops
No. 14, 1966	A Canon to regulate the provision of information regarding the remuneration and emoluments of the Bishop of a See
No. 6, 1969	A Canon to amend the Consecration of Bishops Canon 1966
No. 7, 1969	A Canon to regulate and promote the order of deaconesses
No. 10, 1973	A Canon to provide for the ratification of the surrender or alteration of the territory of a diocese

- No. 14, 1973 A Canon for admission to holy communion
- No. 1, 1977 A Canon to authorise the use of "An Australian Prayer Book", and for related purposes
- No. 3, 1981 A Canon concerning the solemnization of matrimony
- No. 5, 1981 A Canon to authorise the use of certain forms of service for ministry to the sick
- No. 7, 1981 A Canon to amend the Offences Canon 1962
- No. 15, 1981 A Canon concerning Canon 99 of the Canons Ecclesiastical made in the year 1603 and the prohibition of the solemnization of matrimony between persons within certain prohibited relationships
- No. 1, 1985 A Canon to authorise the use of a service for the reception into communicant membership of this church of baptised persons who were formerly communicant members of other churches
- No. 6, 1985 A Canon for the admission of children to Holy Communion
- No. 7, 1985 A Canon to regulate the practice and procedure of this church with respect to the marriage of divorced persons
- No. 16, 1985 A Canon to authorise the use of a form of service for the ordination of deacons
- No. 17, 1985 A Canon to authorise the use of certain alternative tables of lessons
- No. 18, 1985 A Canon to provide for the ordination of women to the office of deacon and for other purposes
- No. 19, 1985 A Canon to provide for the office of Bishop to the Defence Force, for the licensing of chaplains serving in the defence force and for other purposes
- No. 8, 1992 Long Service Leave Canon 1992
- No. 18, 1992 Law of the Church of England Clarification Canon 1992
- No. 9, 1992 Canon concerning authority on certain matters 1989
- No. 10, 1992 Canon concerning confessions 1989
- No. 11, 1992 Canon Law Repeal Canon 1989
- No. 15, 1992 Alternative Tables of Lessons Amendment Canon 1992
- No. 17, 1992 Authorised Lay Ministry Canon 1992
- No. 6, 1995 Long Service Leave Canon (Amendment) 1995
- No. 12, 1995 Archdeacons Canon 1995

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No. 13, 1995	Prayer Book for Australia Canon 1995
No. 14, 1995	Reception Canon Amendment Canon 1995
No. 18, 1995	Bishop (Incapacity) Canon 1995
No. 19, 1995	Canon concerning Vesture of Ministers 1992
No. 1, 1998	Bishop (Incapacity) (Amendment) Canon 1998
No. 13, 1998	Canon concerning Services 1992
No. 14, 1998	Canon concerning Confirmation 1992
No. 15, 1998	Oaths Affirmations Declarations and Assents Canon 1992
No. 20, 1998	Offences Canon Amendment Canon 1998
No. 21, 1998	Canon concerning Baptism 1992
No. 4, 2001	Chancellors Canon 2001
No. 6, 2001	Canons Amendment (Bishop to the Defence Force) Canon 2001
No. 10, 2001	Holy Communion Canon 2001
No. 11, 2001	Long Service Leave (Amendment) Canon 2001
No. 10, 2004	Holy Orders, Relinquishment and Deposition Canon 2004
No. 12, 2004	National Register Canon 2004
No. 9, 2007	Long Service Leave Canon 2007
No. 14, 2007	Episcopal Standards Canon 2007
No. 10, 2007	Canon Concerning Holy Orders 2004
No. 11, 2007	Protection of the Environment Canon 2007
No. 17, 2007	Holy Orders (Reception into Ministry) Canon 2004
No. 7, 2014	Holy Orders, Relinquishment and Deposition Canon 2004 Amendment Canon 2014
No. 4, 2017	Safe Ministry to Children Canon 2017
No. 5, 2017	Episcopal Standards (Child Protection) Canon 2017
No. 16, 2017	Canon Concerning Confessions (Revision) Canon 2017
No. 17, 2017	Canon Concerning Confessions (Vulnerable Persons) Canon 2017

- No. 7, 2017      Offences Amendment Canon 2017
- No. 12, 2017     Special Tribunal (Limitation Period) Canon 2017
- No. 18, 2017     Holy Orders (Removal from Exercise of Ministry) Canon 2017
- No. 19, 2017     Canon Concerning Services Amendment Canon 2017

**SCHEDULE 3**

[Section 6]

- No. 8, 1992      Long Service Leave Canon 1992
- No. 6, 1995      Long Service Leave Canon (Amendment) 1995
- No. 18, 1995     Bishop (Incapacity) Canon 1995
- No. 9, 2007      Long Service Leave Canon 2007
- No. 7, 2010      Long Service Leave Canon 2010

**SCHEDULE 4**

[Section 7]

- No.1, 2015      New South Wales Provincial Synod Constitution Amendment Ratification Bill 2015
- No.2, 2015      Long Service Leave (Revision of Entitlement) Bill 2015

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**NOTES**

1.      The *General Synod Legislation Canon* is part of Schedule 2 of the *Consolidating Canon 1990* [assented to: 12 June 1990].
2.      By the *General Synod Legislation Canon Amendment Canon [No. 2] 1992* [assented to: 2 October 1992; amendments in operation: 2 October 1992] -  
            Schedule 2 was amended.  
            Sec. 6 and Schedule 3 were added.
3.      By the *General Synod Legislation Canon Amendment Canon [No. 2] 1992* [assented to: 2 October 1992; amendments in operation: 1 January 1993] -  
            Schedule 2 was amended.
4.      By the *General Synod Legislation Canon Amendment Canon [No. 3] 1992* [assented to: 11 December 1992] -  
            Schedule 2 was amended.

5. By the *General Synod Legislation Canon Amendment Canon 1993* [assented to: 24 June 1993] - Schedules 1 and 2 were amended.
6. By the *General Synod Legislation Canon Amendment Canon 1996* [assented to: 22 June 1996] - The Long Title was amended.  
Sec. 2 was repealed.  
Schedules 1, 2 and 3 were amended.
7. By the *General Synod Legislation Canon Amendment Canon 1998* [assented to: 20 June 1998] - Schedules 1 and 2 were amended.
8. By the *General Synod Legislation Canon Amendment Canon 2002* [assented to: 22 June 2002] - Schedules 1 and 2 were amended.
9. By the *General Synod Legislation Canon Amendment Canon 2005* [assented to: 18 June 2005] - Schedules 1 and 2 were amended.
10. By the *Assistant Bishops Canon Amendment Canon 2008* [assented to: 21 June 2008] - Schedule 2 was amended.
11. By the *General Synod Legislation Canon Amendment Canon 2008* [assented to: 22 June 2008] Schedules 1, 2 and 3 were amended.
12. By the *General Synod Legislation Canon Amendment Canon 2009* [assented to: 20 June 2009] Schedules 1 and 2 were amended.
13. By the *General Synod Legislation Canon Amendment Canon 2011* [assented to: 18 June 2011] Schedules 1 and 3 were amended.
14. By the *General Synod Legislation Canon Amendment Canon 2015* [assented to: 27 June 2015] Schedules 1 and 2 were amended.  
New Section 7 and Schedule 4 inserted.
15. By the *General Synod Legislation Canon Amendment Canon 2016* [assented to: 19 June 2016] Schedule 4 was amended.
16. By the *General Synod Legislation Canon (Delegation to Diocesan Council) Amendment Canon 2016* [assented to: 19 June 2016]  
Addition of new Sections 8, 9 and 10.
17. By the *General Synod Legislation Canon Amendment Canon 2017* [assented to: 23 September 2017] –  
Schedule 2 was amended.
18. By the *General Synod Legislation Canon Amendment Canon 2018* [assented to: 6 October 2018]  
Schedules 1 and 2 were amended.

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Anglican Church of Australia - Diocese of Brisbane

## **GENERAL SYNOD REPRESENTATIVES CANON**

**A Canon to regulate the election or appointment of the clerical and lay representatives of the Diocese to attend the General Synod of the Anglican Church of Australia.**

### **Short Title**

1. This Canon may be cited as the "General Synod Representatives Canon".

### **Mode of Election by Synod**

2. Between the ordinary sessions of the General Synod, at such sessions of the Synod as the Archbishop-in-Council may from time to time determine, the Synod shall elect the number of clerical and lay representatives of the Diocese of Brisbane to attend the General Synod as shall have been determined in accordance with the Constitution of the Anglican Church of Australia.

### **Qualifications of Representatives**

3. (1) Each of the clerical representatives elected under the provisions of this Canon to attend the General Synod shall at the date of election be resident within the Diocese of Brisbane and be one of the licensed Clergy of the Diocese as defined in the Synod Canon.  
(2) Each of the lay representatives elected under the provisions of this Canon shall be a member of the Synod of the Diocese of Brisbane at the date of election.

### **Representative incapable of acting**

4. When in the opinion of the Archbishop-in-Council a person elected or appointed to represent the Diocese in General Synod shall become incapable of acting as such representative, that person shall thereupon be disqualified from such office.

### **Consideration in filling vacancies**

5. When the office of any clerical or lay representative elected as aforesaid shall become vacant, the Diocesan Council in filling such vacancy in accordance with the Election by Synod Canon shall give some consideration to the voting at the previous election.
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**NOTES**

1. The *General Synod Representatives Canon* is part of Schedule 2 of the *Consolidating Canon 1990* [assented to: 12 June 1990].
2. By the *General Synod Representatives Canon Amendment Canon 2006* [assented to: 23 June 2006] -  
    Secs 2 and 3 were amended.

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Anglican Church of Australia - Diocese of Brisbane

## **LICENSING OF CLERGY CANON**

### **A Canon to provide for the licensing of Clergy.**

#### **Short Title**

1. This Canon may be cited as the "Licensing of Clergy Canon".

#### **No person to officiate without Archbishop's licence**

2. No person shall be allowed to officiate in any church chapel or other building consecrated dedicated or otherwise set apart or used for the worship of God according to the rites and ceremonies of the Anglican Church of Australia without being first approved or thereunto licensed by the Archbishop.

#### **Licences revocable**

3. (1) The licence held by a member of the Clergy appointed to a benefice in accordance with the provisions of the Parishes Regulations Canon or the Cathedral Canon may be suspended or revoked by the Archbishop:
  - (a) following a sentence under and in accordance with the provisions of the Tribunal Canon; or
  - (b) in accordance with the provisions of the Benefices Avoidance Canon; or
  - (c) following a recommendation under and in accordance with the provisions of the Professional Standards Canon.
- (2) The licence held by a member of the Clergy who has not been appointed to a benefice may be suspended or revoked by the Archbishop for any cause which to him shall appear good and reasonable.
- (3) The Archbishop should, where practicable, before revoking a licence, inform the member of the Clergy in writing of the matter of concern and allow reasonable opportunity for a written response; or adopt such other approach as the Archbishop may consider fair and reasonable in the circumstances.

#### **Title of licensed Clergy**

4. The style and title of licensed Clergy shall be according to the terms by which they are designated in the Archbishop's licence.

**Stipend etc. of Clergy**

5. The Archbishop-in-Council may by resolution from time to time fix the rates of stipend and other emoluments to be paid to clergy licensed by the Archbishop to any appointment.

**Records to be kept**

6. Clergy who hold the Archbishop's licence to any special charge or cure or who perform any spiritual duty or service within the Diocese are to keep and have the custody of such Records as a Parish Priest is from time to time required to keep pursuant to the Parishes Regulation Canon, as may be appropriate to the special charge or cure or to the spiritual duty or service performed.

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**NOTES**

1. The *Licensing of Clergy Canon* is part of Schedule 2 of the *Consolidating Canon 1990* [assented to: 12 June 1990].
2. By the *Records and Archives Canon 1992* [assented to: 25 June 1992] -  
Sec. 6 was inserted.
3. By the *Professional Standards Canon 2004* [assented to: 20 June 2004] -  
Sec. 3 was repealed and an new section substituted.
4. By the *Non-Beneficed Clergy and Stipendiary Lay Ministers Canon 2009* [assented to: 21 June 2009]  
Sec. 3(3) was inserted.

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Anglican Church of Australia - Diocese of Brisbane

## **LONG SERVICE LEAVE CANON**

**A Canon to regulate the operation of the Long Service Leave Canon of General Synod.**

### **Short Title**

1. This Canon may be cited as the "Long Service Leave Canon".

### **Interpretation**

2. In this Canon unless the context or subject matter otherwise requires or indicates -

"Diocesan Fund" means the Diocesan Long Service Leave Fund set up in accordance with the provisions of this Canon;

"Eligible Member" means a person who is an eligible member within the meaning ascribed to the term in the General Synod Canon rendering Qualifying Service;

"General Synod Canon" means Canon No. 8, 1992 of General Synod entitled the Long Service Leave Canon 1992 read and construed with any canon passed by the General Synod in amendment thereof and adopted by this Diocese;

"Qualifying Service" has the meaning ascribed to it in the General Synod Canon.

### **Long Service Leave Committee**

3.
  - (1) There shall be a Committee called the "Long Service Leave Committee" ("Committee") appointed in accordance with this Canon.
  - (2) The Committee shall consist of the Archbishop or his nominee, the General Manager, and up to six other persons ("Committee Members") appointed at the meeting of the Archbishop-in-Council held next after the annual session of Synod who shall hold office until they are removed under the provisions of this section, or resign, or their successors are appointed.
  - (3) At least two-thirds of the Committee Members shall be persons who are entitled or who may in the future reasonably be expected to become entitled to long service leave under the provisions of the General Synod Canon.
  - (4) The Chairman of the Committee shall be appointed by the Archbishop from among any of the persons who are members of the Committee.
  - (5) The Archbishop-in-Council may at any time remove a Committee Member, specifying reasons therefor which the Council considers sufficient.

- (6) The Archbishop-in-Council may replace a Committee Member who has resigned or been removed with a new Committee Member, who shall hold office for the balance of the originally intended term of office of the resigned or removed Committee Member.

### **Contributions**

4. (1) Every parish institution or organisation responsible for the payment of the stipend of an Eligible Member shall pay to the General Manager by quarterly instalments on account of each such person the annual contributions fixed under the provisions of the General Synod Canon or such other amounts as may be fixed from time to time by the General Synod or its Standing Committee.
- (2) Such quarterly instalments shall be remitted by them to the General Manager on the following days in every year -
  - 15 March,
  - 15 June,
  - 15 September,
  - 15 December.
- (3) Where such person is not serving the whole of any year in a particular parish institution or organisation, a pro rata proportion of the annual contribution shall be payable to the General Manager by the parish institution or organisation concerned.
- (4) Parishes, institutions and organisations with responsibility for the payment of full-time stipendiary clergy on whose behalf no contributions are being made to any other long service leave fund shall contribute to the Diocesan Fund at a rate and in a manner that may be specified from time to time in regulations made under this Canon.
- (5) Parishes, institutions and organisations responsible for the payment of the stipend or salary of any person rendering service (whether full-time or not) and receiving a part-time or pro rata stipend or salary on whose behalf no contributions are being made to any other long service leave fund shall contribute to the Diocesan Fund at a rate and in a manner that may be specified from time to time in regulations made under this Canon.
- (6) Parishes, institutions and organisations which benefit from the services provided by honorary persons may contribute to the Diocesan Fund.

### **Payments**

5. The Archbishop-in-Council shall receive from the Long Service Leave Board appointed or elected under the provisions of the General Synod Canon and shall pay to the parish institution or organisation responsible for the payment of the stipend of a person on long service leave the sum apportionable to that period of leave.

**Responsibilities of Committee**

6. The Committee shall, subject to any general or specific directions of the Synod or the Archbishop-in-Council, have the following powers and responsibilities -
- (a) generally to administer the provision for and taking of long service leave in the Diocese including the implementation of the General Synod Canon within the Diocese;
  - (b) to give directions to any parish, institution or organisation within the Diocese as to its liability under the General Synod Canon and to make any determination as to that liability;
  - (c) after consultation with the parish institution or organisation responsible for the payment of the stipend of a person on long service leave to determine which and what proportion of the allowances paid to such person in addition to stipend shall continue to be payable to such person while on leave;
  - (d) to nominate a person as an Eligible Member or to define with the consent of the Board constituted under the General Synod Canon a class of people as Eligible Members for the purposes of the General Synod Canon;
  - (e) to advise the Archbishop-in-Council in relation to any regulations to be made under this Canon, and in respect of any other matters in relation to long service leave in the Diocese.

**Diocesan Fund**

7. (1) There shall be a Diocesan Long Service Leave Fund which, subject to the control and direction of the Archbishop-in-Council and the Property and Finance Board, shall be under the management of the Committee.
- (2) The objects of the Diocesan Fund are -
- (a) to provide, so far as the funds held in the Diocesan Fund permit, financial assistance to persons taking long service leave who are not members of any long service leave fund and to provide funds to enable ministry to continue while such a person is taking long service leave;
  - (b) to hold monies for any other long service leave purpose.
- (3) No person shall accumulate an entitlement to benefit from the Diocesan Fund and payments from the Fund shall be made at the discretion of the Committee subject to the control and direction of the Synod or the Archbishop-in-Council.
8. *[repealed 1996]*

**Provision for relief**

9. The consent and approval of the Archbishop shall be obtained before a locum tenens or relieving person is appointed to any parish institution or organisation during the absence of a person on long service leave.

**Use of Residence**

10. The parish institution or organisation responsible for the payment of the stipend of a person on long service leave shall provide a residence or other suitable accommodation for a relieving person provided that a clergy residence may be used for this purpose if the person normally occupying such residence consents to such use by the relieving person.

**Annual Leave**

11.
  - (1) Long service leave taken under this Canon shall be exclusive of annual holidays but shall be inclusive of all other holidays occurring during the leave.
  - (2) The annual holidays already due for the same year may be taken cumulatively with the long service leave, provided however that nothing herein contained shall confer any right upon clergy to accumulate annual holidays from year to year or to receive any payment in lieu thereof.

**Power to make Regulations**

12. The Archbishop-in-Council shall have power and is hereby authorised to make such additional regulations as may be necessary to regulate the operation of the General Synod Canon within the diocese provided that any regulation so made shall be reported to the Synod at its next succeeding session.
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## NOTES

1. The *Long Service Leave Canon* is part of Schedule 2 of the *Consolidating Canon 1990* [assented to: 12 June 1990].
2. By the *General Synod Legislation Canon Amendment Canon [No. 2] 1992* [assented to: 2 October 1992; amendments in operation: 1 January 1993] -  
Secs 2 and 4 were amended.
3. By Part I of the *Long Service Leave Canon Amendment Canon 1996* [assented to: 23 June 1996]  
-  
Secs 2 and 4 were amended  
Secs 3, 6 and 7 were repealed and new sections substituted  
Sec. 8 was repealed.
4. By Part II of the *Long Service Leave Canon Amendment Canon 1996* [assented to: 23 June 1996; amendments in operation: 1 January 1997] -  
Sec. 2 was amended by inserting the definition of "Eligible Member"  
Sec. 4 was amended by deleting from sub-section (1) "any persons in Holy Orders rendering qualifying service within the Diocese" and substituting "an Eligible Member"  
Sec. 6 was amended by inserting item (d).

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Anglican Church of Australia – Diocese of Brisbane

## **MARRIAGE CANON 2003**

### **A Canon to repeal the Marriage Canon and to make amended provision about the place of marriage.**

The Synod’s reason for passing this Canon is to alter the canonical provisions about where a marriage may be solemnized:

- A. So that the provisions of the Canons of this Diocese are consistent with the provisions of the General Synod Canon No. 3, 1981 “Solemnization of Matrimony Canon 1981”, and
- B. To allow Regulations to be made by Diocesan Council for the vesting of the Archbishop’s power of dispensation to other officials of the Diocese in accordance with the provisions of General Synod Canon No. 9, 1992 “Canon concerning authority on certain matters 1989”.

The Archbishop, Clergy and Laity of the Diocese of Brisbane assembled in Synod therefore prescribe  
–

#### **Short Title**

- 1. This Canon may be cited as the “Marriage Canon 2003”.

#### **Vesting of Discretion**

- 2. The Diocesan Council may by resolution, and with the concurrence of the Archbishop, make, amend, and repeal Regulations to vest in such officials of the Diocese as may be considered appropriate, on the basis of criteria to be set out in the Regulations or determined from time to time by the Archbishop, the power or discretion of the Archbishop to give permission for the solemnization of marriage at some specific place other than a church or chapel of this Church or a church building licensed by the Archbishop for the solemnization of matrimony.

#### **Repeal**

- 3. The Marriage Canon is repealed.

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### **NOTES**

- 1. The *Marriage Canon* was part of Schedule 2 of the *Consolidating Canon 1990* [assented to 12 June 1990], and was amended by the *Offerings at Pastoral Services Canon 1995*.
  - 2. The *Marriage Canon 2003* was assented to on 29 June 2003.
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Anglican Church of Australia – Diocese of Brisbane

## **REGULATION I**

### **made under the Marriage Canon 2003**

by the Diocesan Council on 10 June 2004 with the concurrence of the Archbishop.

[Section 2]

#### **1. The Archbishop.**

Nothing in this Regulation prevents the Archbishop from giving permission for the solemnization of a marriage at some specific place other than a church or chapel of this Church or a church building licensed by him for the solemnization of matrimony.

#### **2. Interpretation.**

In this Regulation, unless the context or subject matter otherwise requires or indicates –

“Discretion” means the power or discretion of the Archbishop to give permission for the solemnization of a marriage at some specific place other than a church or chapel of this Church or a church building licensed by the Archbishop for the solemnization of matrimony.

“Officiant” means a person who is an authorized celebrant under the Marriage Act 1961 and who is a priest currently licensed or authorized in this diocese.

“Regional Bishop” includes a bishop appointed by the Archbishop or authorized by him to exercise for the time being the functions of the Regional Bishop pursuant to this Regulation.

#### **3. Delegation.**

An Officiant is vested with the Discretion of the Archbishop to give permission in accordance with this Regulation for the solemnization of a marriage at which he or she intends to officiate.

#### **4. Regional Bishop.**

(1) The Regional Bishop may exercise the Discretion even if another Officiant has exercised the Discretion so as not to give permission for the solemnization of marriage at some specific place.

(2) An Officiant may refer to the Regional Bishop an application from the parties to a proposed marriage for Discretion to be exercised under this Regulation, with whatever advice the Officiant deems appropriate.

- (3) If the place proposed for a marriage is a church, chapel or meeting place of a Christian denomination other than the Anglican Church of Australia, or is a worship place for another religious group, the Regional Bishop's permission is required for the solemnization of marriage at that place, together with the agreement of the appropriate authority of that denomination or group.
- (4) In exercising Discretion under this Regulation the Regional Bishop may use any criteria (subject to any determinations made by the Archbishop from time to time) as may appear to him to be conducive to good pastoral care of the parties to a proposed marriage and of any relevant community of faith.

5. **Officiant not required to act.**

An Officiant is not required to give any permission for the solemnization of matrimony (even though the case satisfies the criteria set out in this Regulation) contrary to conscience or contrary to a view formed that to give such permission would not be for the pastoral good of the parties to a proposed marriage or of a relevant community of faith.

6. **Regular places of Anglican worship.**

In a place where an Anglican congregation or a congregation led by Anglican clergy regularly gathers for worship, permission under this Regulation is required from the priest who has the cure of souls of the congregation referred to, or from the Regional Bishop.

7. **Criteria.**

An Officiant may give permission under this Regulation so long as the circumstances relating to the proposed marriage satisfy at least one of the criteria set out in this section, and so long as in the opinion of the Officiant the appropriate arrangements set out in the following section will be reasonably adhered to –

- (a) The ecclesiastical / institutional church has been a barrier in the spiritual journey of one of the parties.
- (b) One of the parties has in the past been pastorally abused by an official of the Church.
- (c) The venue is important in the spiritual journey of one of the parties.
- (d) Family issues pose a barrier to the use of a church or chapel of this Church.
- (e) One of the parties lives at a distance from a church, and the marriage is to be held at the residence of that party.
- (f) The venue for the marriage is close to the venue for the reception, and the logistics of transport indicate that the venue is appropriate for the convenience of those involved.
- (g) The place is an area set aside for marriage at a resort, conference centre or reception place.

**8. Appropriate arrangements.**

The following arrangements should be in place for a marriage for which permission may be given under this Regulation –

- (a) A good relationship should be established between the Officiant and the proprietors of the venue, so that the Officiant will have reasonable control of the arrangements for the ceremony.
- (b) The venue chosen, together with the practical arrangements, should be conducive to the solemnity and intention of the occasion, especially in regard to music, audibility, space for the liturgy, seating, decoration and general ambience. A sacred space should be created, and it should be clear that the people are gathering for a religious service.
- (c) There should be no elements to the service that might detract from the solemnity of the occasion.
- (d) As marriage is a public action affecting the life of the wider community, no members of the public may be excluded from attendance at the ceremony. The Officiant is charged with checking that the site is a “public space” for the duration of the ceremony so that no person may unreasonably be refused access to attend the ceremony. The Officiant should liaise with the family to ensure that adequate control is in place for inappropriate behaviour and inappropriate apparel. No alcohol should be served until the ceremony is concluded except for the celebration of the Holy Communion.
- (e) Alternative arrangements should be in place if the use of the chosen venue could be marred by inclement weather.
- (f) Plans should be in place to deal with possible interruptions.
- (g) The rite used must be an approved rite of the Anglican Church of Australia.
- (h) The Officiant must be appropriately robed, in such vesture as would be appropriate if the service were to be conducted in an Anglican church.
- (i) The Parish Priest of the parish within which the venue is located must be advised as a matter of courtesy.
- (j) The marriage will be entered in a register which is in the custody of the Anglican Church within this Diocese; this should be the register of the Officiant’s pastoral charge, but if the Officiant does not have a register the certificate should be kept with the register of the parish within which the venue is located. It is desirable that the Officiant refer the couple to the appropriate Parish Priest of the place where they will live for pastoral follow-up.

**9. Officiant not an official of this Diocese.**

Where a priest who proposes to officiate at a marriage is not an Officiant as defined in this Regulation, the permission of the Archbishop is required.

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### **Note**

[This note does not form part of the Regulation, but is set out for the information and convenience of those solemnizing a marriage under this Regulation.]

The Diocesan Administration Levy applies as much to marriages conducted outside a church as to marriages conducted in church. It is the Officiant's responsibility to submit the usual quarterly return to the diocesan office, and to ensure that the appropriate levy is paid. The Officiant has the same right to refuse to accept the whole or part of any offering as if the marriage were conducted in a church.

Anglican Church of Australia - Diocese of Brisbane

## **MINISTRY EDUCATION CANON**

### **A Canon to establish a Commission for Ministries Development and Theological Education.**

The Archbishop, Clergy and Laity of the Diocese of Brisbane assembled in Synod prescribe -

#### **Short Title**

1. This Canon may be cited as the “Ministry Education Canon”.

#### **Commencement**

2. This Canon comes into operation on a date to be determined by the Archbishop-in-Council.

#### **Repeal - St. Francis’ College Canon**

3. The St Francis’ College Canon is repealed from the date on which the Archbishop-in-Council brings into operation a Constitution for the College pursuant to this Canon.

#### **Interpretation**

4. In this Canon and in any regulation, constitution, by-law or determination made pursuant to this Canon unless the context or subject matter otherwise requires or indicates -

“Chair” means the person holding office as Chair of the Commission for the time being in accordance with this Canon;

“Commission” means the “Commission for Ministries Development and Theological Education” as constituted by this Canon which may also be known as the “Ministry Education Commission”;

“Co-ordinator” means a person holding office as a Co-ordinator pursuant to this Canon;

“Director” means the Director of Ministries Development and Theological Education holding office pursuant to this Canon;

“Member” means a member (including the President and the Chair) of the Commission holding office pursuant to this Canon;

“Ministry” means effecting the mission of the Church in the world including what is done by a member of this Church on account of being ‘in Christ’ through baptism, and anything

done with the authority of or by designation of the Church for the sake of the Church's mission.

*[Sections 5 to 14 omitted 2004]*

### **St Francis' College**

15. (1) Until the Synod or the Archbishop-in-Council otherwise determines, St Francis' Theological College shall remain an institution in the Diocese, and will be an area of responsibility of the Commission.
  - (2) Unless the Commission determines that it is impractical at a relevant time, there will be a Co-ordinator with specific responsibility for St Francis' College.
  - (3) A Constitution shall be made under this Canon to regulate, direct and provide for the operation of St Francis' College.
  - (4) The Constitution for St Francis' College shall provide for a Council known as the "St Francis' College Council" appointed under, and with such responsibilities as may be set out in, the Constitution.
16. (1) St Francis' College shall be a member school of the Brisbane College of Theology (a company limited by guarantee), unless the Synod or the Archbishop-in-Council, with the advice of the Commission, withdraw that membership. So far as is practicable, St Francis' College (unless it ceases to be a member of the Brisbane College of Theology) shall order its affairs so as to co-operate with the Brisbane College of Theology and conform to the constitution of that College. The Constitution of St Francis' College shall where possible facilitate that co-operation and conformity.
  - (2) For the purposes of the constitution of the Brisbane College of Theology, the Director may exercise all relevant powers of the Corporation.
17. In any circumstances where a reference to the "Principal" of St Francis' College is relevant (including the constitution of the Brisbane College of Theology), if there is no other person holding the office of Principal of St Francis' College, the Co-ordinator having responsibility for St Francis' College (or if there is no such person for the time being, the Director) will be taken to be the Principal.

### **Amendment - Special Ministry Canon 1995.**

18. Section 2 of the Special Ministry Canon 1995 is amended in the definition of "Special Ministry" by deleting -

"or theological education and related matters as dealt with in the Constitution of St. Francis' College"

and substituting -

“and does not include matters dealt with in the Ministry Education Canon, or agencies, committees or endeavours designated by the Archbishop-in-Council as coming within the scope of the objects of the Commission constituted under that Canon”.

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## NOTES

1. The *Ministry Education Canon* was assented to on 23 June 2001 and came into operation on 16 August 2001.
2. Pursuant to s.3 the *St. Francis' College Canon* was repealed on 30 September 2001.
3. By the *Diocesan Governance Canon 2004* [assented to: 20 June 2004, Schedule 2 Part C in operation: 1 November 2004] -  
      Secs 5 to 14 omitted.

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Anglican Church of Australia - Diocese of Brisbane

## **ORDINATION CANON 2008**

**A Canon concerning ordination to the office of bishop, priest or deacon.**

### **Short Title**

1. This Canon may be cited as the "Ordination Canon 2008".

### **Repeal**

2. The Ordination Canon 1992 is hereby repealed.

### **Authority to ordain**

3. It is hereby declared that no law of the Church prevents the ordination of a person to the threefold order of ministry on the basis of gender, and to the extent that any such law exists in the Diocese of Brisbane, it is hereby repealed.
4. It is hereby further declared that the power of the Archbishop to ordain a person to an office in the threefold order of ministry (and the like power of any other bishop of the Anglican Church of Australia, or any church in communion therewith, to ordain within the Diocese with the authority of the Archbishop) includes the power to ordain a woman to an office within that order and that the Archbishop or bishop (as the case may be) has authority to ordain a woman to that office.

### **Commencement**

5. This Canon will not commence until the definition of 'canonical fitness' applicable to the Confirmation of Bishops Canon of the Province of Queensland is in a form consistent with this Canon, and the Chancellor certifies in writing to the Diocesan Council as to that consistency.

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## **NOTES**

1. The *Ordination Canon 1992* was assented to on 25 June 1992.
2. The canon came into operation on 23 November 1992.

3. The *Ordination Canon 1992* was repealed on 21 June 2008.
4. The *Ordination Canon 2008* was assented to on 21 June 2008.

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Anglican Church of Australia - Diocese of Brisbane

## **PARISHES REGULATION CANON**

**A Canon to provide for the regulation of the parishes.**

### **PART I - PRELIMINARY**

#### **Short Title**

1. This Canon may be cited as the "Parishes Regulation Canon".

#### **Division of this Canon**

2. This Canon is divided into the following parts -

Part I	- Preliminary (Sections 1 - 5)
Part II	- Church Property (Sections 6 - 10)
Part III	- Licences (Sections 11 - 13)
Part IV	- Appointment of Clergy and Laity (Sections 14 - 29)
Part V	- Parish Officers and Meetings (Sections 30 - 58)
Part VI	- Duties and Responsibilities (Sections 59 - 69)
Part VII	- Districts (Sections 70 - 74)
Part VIII	- Provisional Parishes (Sections 75 - 79)

#### **Interpretation**

3. (1) In this Canon or in any regulation or rule made pursuant to this Canon unless the context or subject matter otherwise requires or indicates -

"Adoption Leave" means leave granted to Parish Clergy or a Stipendiary Lay Minister who is an adoptive parent, at the time of the child's adoption;

"Assistant Curate" means any of the Licensed Clergy appointed to a Parish other than the Parish Priest;

"Benefice" means a Parish in which in the opinion of the Archbishop-in-Council the nature and quality of the ministry being exercised is adequate for and appropriate to a Benefice having regard to the criteria established from time to time by Regulation of the Archbishop-in-Council and which is declared by the Archbishop-in-Council to be a Benefice;

"Book" includes any register, roll or other record of information however recorded, compiled or stored, and includes documentary, photographic, electronic and mechanical records;

"Chairman" in relation to the Presentation Board, means the Archbishop or an Assistant Bishop or Archdeacon appointed by the Archbishop under section 18(4);

"Churchwarden" means a person duly elected or appointed and holding office as a Churchwarden pursuant to the provisions of this Canon;

"Councillor" or "Parish Councillor" means a person duly elected or appointed and holding office as a member of a Parish Council pursuant to the provisions of this Canon;

"Diocesan Nominator" means a person holding office as Diocesan Nominator pursuant to the provisions of this Canon;

"District" means a part of a Parish constituted as a District pursuant to the provisions of this Canon;

"Maternity Leave" means leave granted to female Parish Clergy or a female Stipendiary Lay Minister who is the mother of the child, at the time of the child's birth;

"Parental Leave" is the general term encompassing Maternity Leave, Paternity Leave and Adoption Leave;

"Parish Clergy" means and includes Parish Priests and Assistant Curates;

"Parish Priest" means a Member of the Clergy licensed by the Archbishop and appointed to the charge of a Parish and includes "Curate in Charge", "Priest in Charge", "Rector" and "Vicar";

"Paternity Leave" means leave granted to male Parish Clergy or a male Stipendiary Lay Minister who is the spouse of the mother of a child, at the time of the child's birth;

"Rector" means a Member of the Clergy licensed by the Archbishop and appointed to be the Rector of a Benefice pursuant to the provisions of this Canon;

"Regulation" means a Regulation made pursuant to the provisions of this Canon;

"Stipendiary Lay Minister" means a member of the laity who is licensed by the Archbishop for full time stipendiary parish ministry not being of an administrative secretarial or accounting nature.

- (2) Any question concerning the status or rights of a member of the laity for the purposes of this Canon shall be determined by the Parish Priest and Churchwardens, provided that such determination may be challenged by way of appeal to the Archbishop by any person who is or who claims to be a Member of this Church and a Parishioner of the Parish concerned, and the Archbishop's decision shall be final. Until the Archbishop's

decision in such appeal shall have been made, the determination made aforesaid shall have full effect.

### **Regulations**

4. (1) The Archbishop-in-Council may from time to time make, amend or repeal Regulations, not inconsistent with the provisions of this Canon, providing for all or any of the purposes whether general or to meet particular cases, which may be convenient for the administration of this Canon or which may be necessary or expedient to carry out the objects and purposes of this Canon.

(1A) The Archbishop-in-Council may from time to time make, amend or repeal Regulations:

(a) exempting a Parish, District or any person or any class of Parishes, Districts or persons, from all or specified provisions of this Canon; or

(b) providing that this Canon applies as if specified provisions were omitted, modified or varied as specified in the Regulation; or

(c) declaring that provisions of this Canon are modified so that they apply (with or without further modification):

(i) in relation to a Parish or District, a class of Parishes or Districts or situations to which they would not otherwise apply; or

(ii) in a way that changes the person who is responsible for any act or duty required of a person (whether or not a holder of an office) under this Canon,

for the purpose of allowing alternative forms of ministry not provided for in this Canon.

(1B) A Regulation made under subsection (1A) will cease to have effect on the earlier of:

(a) the date (if any) specified in the Regulation for that purpose; or

(b) the third anniversary after the Regulation is made,

('cessation date') unless within three months before the cessation date the Regulation is renewed by the Archbishop-in-Council, with or without amendments.

(2) Without limiting the generality of the provisions of this section Regulations may be made prescribing -

(a) criteria to be taken into account for the purpose of declaring the existence of a Parish;

(b) criteria to be taken into account for the purpose of declaring that a Parish shall be a Benefice;

- (c) criteria to be taken into account for the purpose of declaring that a Parish is no longer to be a Benefice;
  - (d) provisions for stipend, and housing and travelling facilities or allowances of Parish Clergy and Stipendiary Lay Ministers;
  - (e) provisions for annual leave of Parish Clergy and Stipendiary Lay Ministers;
  - (f) the minimum standards for the design of Church buildings and buildings for the housing of Parish Clergy and Stipendiary Lay Ministers and for the furnishing thereof;
  - (g) the form of the Parish annual return of persons elected or appointed to office in the Parish;
  - (h) the form of the Parish annual return of information concerning the Parish and its personnel, and statistical information relating to the Parish;
  - (i) the form of the Parish Annual Financial Accounts;
  - (j) the form of the Parish Annual Financial Return;
  - (k) the form of the Parish Budget;
  - (l) the qualifications of Parish Auditors;
  - (m) the nature and form of Parish Books (including minute books), accounts and reports;
  - (n) rules for the conduct of Parish elections and the transaction of Parish business.
- (3) Every Regulation made by the Archbishop-in-Council under the provisions of this Canon shall be recorded in the minutes of the Council and shall be laid before the next ordinary session of Synod.
- (4) Notwithstanding anything contained in this or in any other Canon or in the Standing Orders for the time being of Synod, it shall be competent for any member of Synod, by notice in writing given and read aloud at Synod on some previous day, to present a motion for the amendment or repeal of any Regulation.

### **Parishes**

5. (1) The Archbishop-in-Council may from time to time declare any part of the Diocese to be a Parish, such declaration being made by reference -
- (a) to an area alone, and in such case shall incorporate a definition of the boundaries thereof; or

- (b) other than by geographical definition to a group of people which in the opinion of the Archbishop-in-Council is a unit of ministry suitable for the constitution of a Parish.
- (2) The Archbishop-in-Council may from time to time and in accordance with the provisions of this Canon declare -
  - (a) that any Parish shall be a Benefice;
  - (b) that any Parish which has been a Benefice shall no longer, for the time being, be a Benefice but without prejudice to the rights of the Rector of such Parish.
- (3) Before any new Parish is constituted or the boundary or boundaries of any Parish or Parishes already formed be altered one month's notice in writing shall be given by the Registrar to every Parish Priest and Churchwarden of the Parish or Parishes to be affected, and if any Parish Priest or Churchwarden so affected lodge an objection in writing with the Registrar within one month after the receipt of the said notice the Archbishop-in-Council before proceeding to constitute a new Parish or alter the boundary or boundaries as aforesaid shall hear and take such objection into consideration.

## PART II - CHURCH PROPERTY

### **Acquisition of Sites**

- 6. No land shall be purchased or taken on lease for a period of more than three years which is intended to be used for any purpose whatever for the Church otherwise than with the approval of the Archbishop and on the authority and at the direction of the Archbishop-in-Council.

### **Property to be vested in the Corporation**

- 7. Any land or other property acquired for the purposes of the Church shall forthwith be transferred to and held by the Corporation and no buildings shall be constructed on any such land prior to such transfer.

### **Approvals for use of land**

- 8. (1) No building or other structure whatever shall be erected on any land owned by the Corporation or acquired for the use of this Church nor shall any Church building be removed demolished or substantially altered until consent thereto has been given by the Archbishop and his Faculty therefor has been issued and (in the case of the erection or substantial alteration of a Church building) until all plans and specifications in relation thereto have been approved by the Archbishop.
- (2) No land acquired or held by or for the Corporation shall be dealt with in any way otherwise than with the approval and at the direction of the Archbishop-in-Council and without limiting the generality of the foregoing the words "dealt with" include the

mortgaging leasing or letting of land or any improvements thereon or the seeking or making of application for consent or approval from a Local Authority in connection with zoning or consent uses or any other matter of town planning.

### **Faculty**

9. (1) No item of fabric, fitting, furniture or ornament nor any instrument or system for the production or reproduction of music or the amplification of sound shall be placed in any building used or intended to be used for the purpose of a Church until a Faculty has been obtained from the Archbishop or the permission of the Archbishop has been obtained.
- (2) The fabric fittings furniture or ornament of any Church building shall not be added to, altered or removed unless a Faculty from the Archbishop or the permission of the Archbishop has been obtained.
- (3) The Archbishop may require as a condition for the granting of any Faculty that notice in a form to be prescribed by him shall be given to such persons or affixed in such place and for such time as the Archbishop may prescribe.
- (4) The Churchwardens of any Parish shall remove or restore any unauthorized additions alterations or removals as the Archbishop may from time to time require.

### **Use of Churches**

10. Except with the authority of the Archbishop first had and obtained, a Church shall be used only for the purposes of worship according to the rites and ceremonies of the Anglican Church of Australia and the administration of the sacraments of this Church, or for the purpose of counselling and religious education, or for meetings of Parishioners held in accordance with the Canons.

## **PART III - LICENCES**

### **No Person to Officiate or Preach without Permission**

11. No person shall officiate or preach in any Church, Chapel or other building consecrated dedicated or otherwise set apart or used for the worship of God according to the rites and ceremonies of the Anglican Church of Australia without being first approved by or without the consent of or without being thereunto licensed by the Archbishop.

### **Suspension of the Licence of a Rector**

12. The licence of a Rector may be suspended by the Archbishop if an enquiry shall be instituted under the provisions of the Benefices Avoidance Canon until the Archbishop shall have received the report of the Commissioners pursuant to the provisions of that Canon.



**Suspension or Revocation of Other Licences**

13. The licence of any person who is not a Rector may be suspended or revoked by the Archbishop at any time.

**PART IV - APPOINTMENT OF CLERGY AND LAITY**

**Presentation Board - Establishment**

14. There shall be a Presentation Board constituted as provided in this Part IV.

**Diocesan Nominators**

15. (1) At the first ordinary session of each term of the Synod:
- (a) the clerical members of Synod must elect from the clerical members of Synod:
    - (i) two Diocesan Nominators; and
    - (ii) six Reserve Diocesan Nominators;
  - (b) the lay members of Synod must elect from the lay members of Synod:
    - (i) one Diocesan Nominator; and
    - (ii) three Reserve Diocesan Nominators.
- (2) In the case of each election described in subsections (1)(a) and (b):
- (a) the Diocesan Nominators and Reserve Diocesan Nominators will be elected at the one ballot and:
    - (i) in the case of the election described in subsection (1)(a), the clerical members of Synod shall have two votes; and
    - (ii) in the case of the election described in subsection (1)(b), the lay members of Synod shall have one vote;
  - (b) the candidate or candidates with the highest number of votes will be elected as the Diocesan Nominators or Nominator;
  - (c) the candidates with the next highest number of votes will be elected as Reserve Diocesan Nominators until the required number of Reserve Diocesan Nominators are elected.
- (3) Notwithstanding the provisions of any other Canon, if the ballots referred to in this section result in two or more candidates receiving the same number of votes so that

the election of Diocesan Nominators or Reserve Diocesan Nominators cannot be determined, then the persons to be elected will be determined by lot.

- (4) Subject to this Canon, the office of any Diocesan Nominator or Reserve Diocesan Nominator ceases and becomes vacant:
  - (a) when the person resigns from that office;
  - (b) when in the opinion of the Archbishop-in-Council, the person becomes incapable to act;
  - (c) on the date which is one month after the person ceases to be a member of Synod; or
  - (d) at the end of the first ordinary session of the next term of the Synod commencing after the person's election or appointment to the office.
- (5) If the office of a Diocesan Nominator or Reserve Diocesan Nominator is liable to cease under subsections (4)(c) or (d), and the person:
  - (a) at the time that the office would cease is a member of a Presentation Board which has met at least once; and
  - (b) is invited by the Archbishop to continue as a member of that Presentation Board,

then the person shall continue as a member of that Presentation Board until the Archbishop makes an appointment in accordance with this Canon to the Benefice which is the subject of the Presentation Board or the Presentation Board is disbanded in accordance with this Canon without an appointment being made.

### **Certificate as to Stipend, etc**

16. (1) The Churchwardens of a Parish must give to the Archbishop a written statement of the matters set out in subsection (2) within twenty-one days of any of the following events:
  - (a) the Parish being first created;
  - (b) the Parish being declared a Benefice;
  - (c) the Parish (whether a Benefice or not) becoming or being declared vacant.
- (2) The written statement referred to in subsection (1) must set out the following:
  - (a) the annual stipend proposed to be paid by the Parish to a Parish Priest;
  - (b) the provision to be made of a residence for a Parish Priest or an equivalent rental allowance approved by the Archbishop-in-Council;

- (c) the provision to be made for travelling facilities or allowances for a Parish Priest;
  - (d) any other facilities or allowances to be provided for a Parish Priest.
- (3) After the written statement referred to in subsection (1) has been given to the Archbishop and a Clergy person has been appointed to the Parish:
- (a) the Parish may not reduce the amount of the stipend, facilities or allowances set out in the statement without the consent of the Archbishop and the agreement of the Parish Priest; and
  - (b) if the amount of the stipend, facilities or allowances are reduced in accordance with subsection (3)(a) or this subsection (3)(b), the Parish may not further reduce the amount of the stipend, facilities or allowances without the consent of the Archbishop and the agreement of the Parish Priest.

### **Parish Review**

17. (1) A review of each Parish must be conducted:
- (a) at least once in every five years; and
  - (b) when the Parish becomes vacant.
- (2) The review must be conducted in the form and manner prescribed from time to time by Regulation.
- (3) Where a review is conducted after a Parish becomes vacant, a report of that review must be provided to the Presentation Board and must be considered by the Presentation Board before making a nomination under section 20.

### **Presentation Board - Composition**

18. (1) For the purposes of this Canon, a Benefice will be vacant:
- (a) when the resignation of the Parish Priest takes effect after it is accepted by the Archbishop; or
  - (b) on the Parish Priest being removed or the Benefice being declared or becoming vacant in accordance with the Canons of this Diocese; or
  - (c) on the death of the Parish Priest.
- (2) A new appointment of a Parish Priest to a Benefice must not take effect until the Benefice is vacant.
- (3) When:

- (a) the resignation of the Parish Priest takes effect after it is accepted by the Archbishop; or
- (b) a Benefice is otherwise vacant; or
- (c) a Parish is declared by the Archbishop-in-Council to be a Benefice,

the Archbishop must establish and summon a Presentation Board in accordance with subsection (4). If a Presentation Board is to be established and summoned after the resignation of a Parish Priest, then, despite paragraph (a), the Archbishop may establish and summon a Presentation Board in accordance with subsection (4) when the resignation of the Parish Priest of a Benefice is accepted by the Archbishop but before that resignation takes effect.

- (4) Subject to this section, the Presentation Board will comprise:
  - (a) the Archbishop or an Assistant Bishop or Archdeacon appointed by the Archbishop for that purpose;
  - (b) the Diocesan Nominators; and
  - (c) the Parish Nominators from time to time of the vacant Benefice.
- (5) If the office of a Parish Nominator is vacant when a Presentation Board is established or becomes vacant during the life of a Presentation Board, the Parish Council may fill the vacancy in accordance with this Canon and the new holder of the office of Parish Nominator will become a member of that Presentation Board.
- (6) If at any time a Benefice in respect of which a Presentation Board is to be established or has already been established has no Parish Nominators in office, until the Parish Council fills at least one of those vacancies the Churchwardens of the Benefice may attend and speak at the Presentation Board meetings but will have no vote.
- (7) If:
  - (a) a Diocesan Nominator is not available to be or to continue to be a member of the Presentation Board; or
  - (b) a Diocesan Nominator's office becomes vacant under section 15(4),the Archbishop must appoint a Reserve Diocesan Nominator to take that Diocesan Nominator's place. The Reserve Diocesan Nominator becomes a Diocesan Nominator for the purpose of the Presentation Board. A Reserve Diocesan Nominator must be a member of the same House of Synod (clergy or lay) as the Diocesan Nominator being replaced.
- (8) At any time during the life of a Presentation Board, the Archbishop may:
  - (a) appoint an Assistant Bishop or Archdeacon to replace the Archbishop on the Presentation Board;

- (b) remove and replace an Assistant Bishop or Archdeacon appointed by the Archbishop; or
  - (c) remove an Assistant Bishop or Archdeacon appointed by the Archbishop and take that person's place on the Presentation Board.
- (9) Notwithstanding the appointment by the Archbishop of an Assistant Bishop or Archdeacon to the Presentation Board under subsection (4)(a), the Archbishop may attend and speak at any meeting of the Presentation Board. Unless the Archbishop exercises his powers under subsection (8)(c), the Archbishop will not have a vote at such a meeting of the Presentation Board.

### **Presentation Board - Operation**

19. (1) Subject to this Canon, the Presentation Board may conduct its business in such manner as it sees fit.
- (2) A quorum for a meeting of the Presentation Board is:
- (a) at least one Parish Nominator, provided that there is at least one Parish Nominator in office at the time of determining whether a quorum is present;
  - (b) at least one Diocesan Nominator; and
  - (c) the Chairman.
- (3) The Chairman must preside at all meetings of the Presentation Board.
- (4) If the Regional Bishop of the Region in which the vacant Benefice is located is not already a member of the Presentation Board, then the Regional Bishop may attend or otherwise provide input at the first meeting of that Presentation Board. The Regional Bishop may attend or provide input for subsequent meetings of that Presentation Board if invited by the Chairman to do so.
- (5) If the Archdeacon of the Archdeaconry in which the vacant Benefice is located is not already a member of the Presentation Board, the Archdeacon may attend or otherwise provide input at the first meeting of that Presentation Board. The Archdeacon may attend or provide input for subsequent meetings of that Presentation Board if invited by the Chairman to do so.
- (6) The first meeting of the Presentation Board must be convened within two months of the Benefice being declared vacant and will be held at such time and location and by such mode of meeting (such as by telephone or other electronic mode of meeting) as is determined by the Chairman. Subsequent meetings will be held at the time and location and by the mode agreed by the members of the Presentation Board, but in the absence of agreement at such time and location and by such mode nominated by the Chairman.

- (7) The Chairman must ensure that notice of every meeting of the Presentation Board is given to the following persons at least seven days before the meeting (or such shorter notice as the recipients listed below may agree):
  - (a) members of the Presentation Board;
  - (b) if the Archbishop is not a member of the Presentation Board, the Archbishop; and
  - (c) if the Churchwardens of the vacant Benefice are entitled to attend the meeting under section 18(6), those Churchwardens.
- (8) If they are entitled to attend a meeting of the Presentation Board and they are not already a member of the Presentation Board, the same notice of that meeting as under subsection (7) must also be given to:
  - (a) the Regional Bishop of the Region in which the vacant Benefice is located;
  - (b) the Archdeacon of the Archdeaconry in which the vacant Benefice is located.
- (9) All decisions of the Presentation Board will be made by resolution passed by a simple majority of the members. Each member of the Presentation Board has one vote.
- (10) In the case of an equality of votes, the Chairman has a second or casting vote except in the case of decisions of the Presentation Board related to the exercise of the Archbishop's prerogative under section 20(5), in which case the Chairman has no second or casting vote.
- (11) Subject to section 20(8), the proceedings of a Presentation Board must be kept confidential to the Board except where the Presentation Board determines that it is necessary to disclose any part of those proceedings to enable it to perform its functions.

#### **Mode of appointment of Priest - Benefice**

20. (1) Unless the Archbishop exercises a prerogative which the Archbishop has under subsection (5), the Presentation Board must select a suitable Clergy person or Clergy persons to fill a vacancy in the office of Parish Priest in a Benefice and nominate that Clergy person or those Clergy persons to the Archbishop in accordance with this section.
- (2) The Presentation Board must nominate at least one Clergy person and may nominate up to three Clergy persons to the Archbishop for appointment to a vacancy. If more than one Clergy person is nominated, the nominations must be given in order of preference.
- (3) Unless the Archbishop exercises his powers under section 22, the Archbishop must within forty-two days of receiving the nomination:

- (a) in the case of a nomination of one Clergy person, appoint that Clergy person to the vacancy; and
  - (b) in the case of a nomination of more than one Clergy person, appoint one of the nominated Clergy persons.
- (4) In the case of a nomination of more than one Clergy person, the Archbishop must consider the preferences of the Presentation Board but the appointment from the nominated Clergy persons is at the Archbishop's sole discretion.
- (5) The Archbishop has the prerogative to appoint a Clergy person selected by the Archbishop to a vacant Benefice in the following circumstances:
- (a) where a Clergy person is to be appointed to a Parish as its first Rector after the Parish was last declared by the Archbishop-in-Council to be a Benefice; or
  - (b) where the vacancy follows two or more consecutive vacancies in the Parish which have been filled by a Clergy person nominated by the Presentation Board under subsection (1); and
  - (c) in each case, where the Archbishop has first received advice from the Presentation Board and the consent of the Presentation Board to the appointment.

The Archbishop must notify the Presentation Board as soon as practicable if he decides to exercise his prerogative under this subsection.

- (6) The Parish Nominators of a vacant Benefice may:
- (a) at any meeting of the Presentation Board; or
  - (b) in writing addressed to the Chairman,
- recommend to the Presentation Board up to four Clergy persons for nomination for appointment to the vacancy, ranked in order of preference. Any such recommendation must be considered by the Presentation Board. The presentation Board must determine whether it will nominate a recommended Clergy person for appointment to the vacancy before considering any other Clergy person for that appointment.
- (7) No recommendation made under subsection (6) limits the powers of the Presentation Board under this Canon. In particular, nothing shall prevent the Presentation Board from considering more than one Clergy person for nomination to the appointment at one time.
- (8) The Presentation Board may inform itself about a Clergy person it is considering for nomination for appointment to a vacancy or who the Archbishop intends to appoint under subsection (5) as it sees fit, including, without limitation:
- (a) discussing the possibility of nomination for appointment with the Clergy person;

- (b) seeking written submissions from the Clergy person;
- (c) interviewing referees;
- (d) consulting official national or diocesan registers of complaints in respect of Clergy persons subject to any constraints to access to such registers.

Any information of a confidential nature in respect of a Clergy person obtained by the Presentation Board must be kept confidential by the members of the Presentation Board and may only be used for the purposes of the Presentation Board carrying out its functions under this Canon or in accordance with any laws or policy relating to privacy which are applicable in the Diocese.

- (9) Notwithstanding this Canon or any other Canon, the Archbishop may:
  - (a) with the consent of the Presentation Board in respect of a vacant Benefice; and
  - (b) with the consent of a majority of the Parish Nominators for that Benefice,

appoint a Clergy person to the vacant Benefice as the Priest-in-Charge for a term not exceeding three years as nominated by the Archbishop. A Clergy person so appointed is not a Rector.

### **Failure to achieve appointment**

- 21. (1) If the Presentation Board has not nominated to the Archbishop a Clergy person for appointment to a vacancy in a Benefice after reasonable attempts to do so, then the Archbishop may:
  - (a) disband the Presentation Board and establish and summon a new Presentation Board; or
  - (b) disband the Presentation Board and, after consultation with the Parish Nominators (or if there are no Parish Nominators then the Churchwardens), appoint a Clergy person to fill the vacancy either as a Rector or as a Priest-in-Charge.
- (2) Subject to subsections (3) and (4), a Presentation Board will be taken to have made reasonable attempts to make a nomination if, and only if:
  - (a) twelve months have elapsed since the Presentation Board was first established;
  - (b) the Presentation Board has had at least four meetings; and
  - (c) no nomination has been made by the Presentation Board.



- (3) The Presentation Board, with the consent of the Archbishop, may declare that a period of time specified in the declaration will not be considered when reckoning whether twelve months has elapsed under subsection (2)(a).
- (4) If the Presentation Board has not met on at least four occasions in the twelve months which have elapsed since the Presentation Board was first established and no nomination has been made by the Presentation Board, then, notwithstanding subsection (2), the Archbishop may determine that the Presentation Board has made reasonable attempts to make a nomination.
- (5) If the Archbishop appoints a Clergy person as Priest-in-Charge to fill a vacancy in a Benefice under subsection (1)(b), then that appointment must be for a term not exceeding three years as nominated by the Archbishop.
- (6) If a nomination of a Clergy person to fill a vacancy has been made but, for any reason, the appointment of the nominated Clergy person to the vacancy has not proceeded and will not be made, then the Archbishop must establish and summon a new Presentation Board.

#### **Refusal to appoint**

22. (1) The Archbishop, on receiving a nomination of a Clergy person or Clergy persons under section 20(1) may refuse to appoint the nominated Clergy person or Clergy persons. The Archbishop's decision to refuse to appoint must be made within twenty-eight days of receiving the nomination.
- (2) If the Archbishop receives a nomination of a Clergy person or Clergy persons and, under section 22(1), refuses to make an appointment from those Clergy persons who have been nominated, then the Archbishop must give notice of refusal to the Presentation Board and, where the nominated Clergy person or Clergy persons is aware of the nomination, provide a copy of that notice to the nominated Clergy person or Clergy persons, within fourteen days of the nomination being refused.
- (3) If requested by a nominated Clergy person, the Archbishop must provide to the Clergy person a written statement of reasons for the refusal. The request must be made within fourteen days of receiving the notice of refusal and the statement of reasons must be provided within fourteen days of receiving the request. A nominated Clergy person may provide a copy of those reasons to the Presentation Board.

#### **Mode of appointment of Priest - non-Benefice**

23. (1) In the case of a vacancy in a Parish which is not a Benefice, the Archbishop may appoint a Clergy person as the Parish Priest or Priest-in-Charge of that Parish.
- (2) Before exercising the Archbishop's powers of appointment under subsection (1), the Archbishop must consult with the Parish Nominators for that Parish (or if there are no Parish Nominators then the Churchwardens) and the Diocesan Nominators as to the nomination of a Clergy person for appointment, and may consult with such other persons as he sees fit.

**Resignation and removal of Rector**

24. (1) A Rector who wishes to resign his or her appointment to a Benefice must give written notice of that resignation to the Archbishop and, in that notice, fix a definite time at which the resignation is to take effect. On receipt of such a resignation, the Archbishop (if he sees fit to accept the resignation) must notify the resignation to the Diocesan Nominators and Parish Nominators.
- (2) A Rector who has been appointed to a Benefice may only be removed from that appointment:
- (a) following a sentence under and in accordance with the provisions of the Tribunal Canon; or
  - (b) in accordance with the provisions of the Benefices Avoidance Canon; or
  - (c) following a recommendation of the Professional Standards Board under and in accordance with the provisions of the Professional Standards Canon.
- (3) Notwithstanding the provisions of subsection (1), if any Rector leaves the Benefice to which they are appointed and remains absent from the Benefice for a period exceeding one month without leave in writing of the Archbishop, the Archbishop-in-Council may remove the Rector from the Benefice and declare it to be vacant. The Archbishop must notify that vacancy to the Diocesan Nominators and Parish Nominators. If the Archbishop has approved accumulation of leave in excess of four weeks under subsection 29(1)(b), then the Archbishop will be taken to have approved the absence of the Rector from the Benefice under this section for such a period for the purpose of taking that leave.

**Termination of Appointment**

25. The appointment of every Parish Priest who is not a Rector may be terminated by the Archbishop.

**Appointment of Assistant Curate and Stipendiary Lay Minister**

26. No Assistant Curate or Stipendiary Lay Minister shall be appointed or engaged in a Parish otherwise than by the Archbishop who shall have the power to revoke such appointment or engagement at any time.

**Natural justice**

- 26A The Archbishop should, where practicable, before revoking an appointment or engagement, inform the Assistant Curate or Stipendiary Lay Minister in writing of the matter of concern and allow a reasonable opportunity for a written response; or adopt such other approach as the Archbishop may consider fair and reasonable in the circumstances.

### **Stipend and Conditions**

27. Each Parish shall provide for its Parish Priest and each Assistant Curate and Stipendiary Lay Minister appointed to it the payment of such stipend and the provision of such housing and travelling facilities or allowances at the minimum rate or level as shall be set from time to time by Regulation.

### **Resignation of Parish Clergy and Stipendiary Lay Ministers**

28. (1) Licensed Clergy shall leave or be at liberty to resign their charge or office only by giving three months' notice in writing to the Archbishop, and if the Archbishop sees fit to accept such notice.
- (2) Stipendiary Lay Ministers may resign their appointment by giving not less than three months' notice to the Parish Priest.

### **Annual Leave**

29. (1) The entitlement of Parish Priests, Assistant Curates and Stipendiary Lay Ministers to leave of absence shall be such as is prescribed from time to time by Regulation provided that the following minimum provisions shall apply –
- (a) annual leave shall be four weeks at the person's normal rate of stipend after each complete year of service in the appointment;
- (b) annual leave should be taken regularly each year, and the Parish Priest, Assistant Curate or Stipendiary Lay Minister shall not accept cash payments in lieu of leave except on retirement or resignation from such appointment nor accumulate leave from year to year except with the approval of the Archbishop and where that accumulation does not exceed eight weeks leave;
- (c) wherever practicable, annual leave is to be taken at a time agreed upon by the Parish Priest and the Churchwardens of the Parish;
- (d) in cases where the Parish Priest, Assistant Curate or Stipendiary Lay Minister retires or resigns from such appointment, such person shall be entitled to receive from the Parish in lieu of any holiday leave which has accrued to such person a cash payment equal to that person's normal rate of stipend for such leave, provided however that no such cash payment shall exceed the said normal rate of stipend for a period of four weeks or such other period as may be applicable and been approved by the Archbishop under paragraph (b);

- (e) every year, each Parish Priest, Assistant Curate or Stipendiary Lay Minister who has been a licensed Stipendiary Member of the Clergy or Lay Minister of the Diocese for at least six months prior to Easter Day in the year concerned and who holds a stipendiary appointment in any Parish on Easter Day shall be paid within seven days after Easter Day an Annual Holiday Allowance calculated as the lesser of either 1.5% of the minimum rate of stipend fixed by the Archbishop-in-Council for the position in which such person is currently serving or 1.5% of the persons normal rate of stipend, as at 1 October in the preceding year.
- (2) The Archbishop or the Archbishop's delegate may, on the request of any Parish Priest, Assistant Curate or Stipendiary Lay Minister and subject to prior consultation with the Parish Priest (where applicable) and the Churchwardens grant leave of absence for a period exceeding such person's entitlement to annual leave subject to the provision by the Parish of such stipend and emoluments as the Archbishop or the Archbishop's delegate, the person to whom such leave of absence has been granted and the Churchwardens shall agree upon.

### **Parental Leave**

29A Parish Clergy and Stipendiary Lay Ministers are entitled to periods of absence for Parental Leave as follows –

- (a) subject to paragraph (b), up to fifty-two weeks unpaid leave commencing either
  - (i) in the case of the mother,
    - (A) no more than 6 weeks and no less than 2 weeks before the expected date of confinement; or
    - (B) from the date of adoption.
  - (ii) in the case of the father, within the first two years of the birth or of the date of adoption of the child.as the case requires;
- (b) female Parish Clergy and female Stipendiary Lay Ministers are entitled to twelve weeks paid Maternity Leave and up to a further forty weeks unpaid Parental Leave commencing no more than six weeks and no less than two weeks before the expected date of confinement.

## **PART V - PARISH OFFICERS AND MEETINGS**

### **Annual Meeting**

30. (1) In every Parish a meeting (hereinafter called the "Annual Meeting") of the Parishioners shall be held not later than the last day of February each year.

- (2) Notice of the time and place of the Annual Meeting shall be fixed to a prominent notice board or to the principal door of the Parish Church for a period of not less than ten days including two Sundays immediately preceding the day of the Annual Meeting and of any other Church in the Parish used for worship during the said period of notice and such notice shall be in the form set out in Schedule 1.
- (3) Notice of such Annual Meeting may also be given in writing or by announcement during every occasion of public worship held in the Parish on Sundays during the said period of notice.

### **Nominations**

31. (1) Nomination of a person for election at the Annual Meeting to the office of Churchwarden, Synod Representative, Member of the Parish Council or Parish Nominator shall be in writing and in the hands of the Parish Priest at least seven days before the day of the Annual Meeting.
- (2) The Parish Priest shall notify all such nominations wherever possible to the Electors on at least one Sunday preceding the Annual Meeting.
- (3) A majority of Electors present and voting at the Annual Meeting may admit further nominations, either in writing or verbally.
- (4) When any nomination is received by the Parish Priest or the Annual Meeting as the case may be, the written acceptance of the person nominated shall accompany the nomination.

### **Parish Roll**

32. (1) The Churchwardens of each Parish with the advice of the Parish Priest shall keep in a Book the Roll of Parishioners, and shall from time to time in the Roll register the name and address of any person entitled to be registered as a Parishioner of the Parish and shall cause the Electors to be identified in the Roll.
- (2) Any person desirous of being registered as a Parishioner or identified in the Roll as an Elector shall sign the declaration contained in Schedule 2.
- (3) It shall be the duty of the Churchwardens with the advice of the Parish Priest to remove from the Roll of Parishioners the name of any person who is no longer entitled to be registered as a Parishioner, and in the Roll of Parishioners to cease to identify as an Elector any person who is no longer entitled to be so identified.

### **Churchwardens**

33. (1) In every Parish there shall be either two or three Churchwardens, each of whom shall be an Elector, and none of whom shall be a Member of the Clergy or a Stipendiary Lay Minister.

- (2) One Churchwarden shall be appointed annually by the Parish Priest.
- (3) If in any year the Parish Priest shall fail to appoint a Churchwarden by 15 March, or if the cure of souls in the Parish be vacant at the time fixed for the Annual Meeting, the Archbishop shall appoint a fit and qualified person to be a Churchwarden.
- (4) At each Annual Meeting, the Electors shall determine by resolution whether the number of Churchwardens to be elected by them shall be one or two, and the Electors shall then proceed to elect the number of Churchwardens so determined.

### **Synod Representatives**

34. (1) The Annual Meeting in a year required by the Synod Canon of each Parish shall, by its Electors, elect two lay persons who are Electors to represent the Parish in Synod.
- (2) The persons so elected, if not already members of the Parish Council, shall by such election become members of the Parish Council.

### **Parish Treasurer**

35. (1) The Parish Council shall elect for a term of one year a person who is an Elector to act as Parish Treasurer and to perform such duties as it may direct.
- (2) The person so elected, if not already a member of the Parish Council, shall by such election become a member of the Parish Council and shall be responsible to the Parish Council for the carrying out of such duties as it may direct.

### **Secretary**

36. The Parish Council may elect a member of the Council to act as Secretary of the Parish Council and to perform such duties as it may direct.

### **Members of the Parish Council**

37. (1) The Parish Priest may at any time appoint to be members of the Parish Council any Assistant Curate and Stipendiary Lay Minister appointed to the Parish by the Archbishop, to hold office until the next Annual Meeting.
- (2) Apart from members ex officio or by appointment by the Parish Priest as aforesaid, the Electors at the Annual Meeting shall determine the number, not exceeding twenty-one, of additional members of the Parish Council (hereinafter called "Councillors").
- (3) The Parish Priest may at any time appoint persons who are Electors as Councillors, up to one-third of the number determined at the Annual Meeting as aforesaid.

- (4) The Electors shall at the Annual Meeting elect two-thirds of the number determined by them at the Annual Meeting as aforesaid, as Councillors, such persons being Electors, and not being Members of the Clergy or Stipendiary Lay Ministers.

### **Parish Nominators**

38. (1) In every Parish which is a Benefice there shall be, and in any other Parish there may be, three Parish Nominators.
- (2) The Electors at the Annual Meeting shall elect persons who are Electors (not being Members of the Clergy or Stipendiary Lay Ministers) to be Parish Nominators.
- (3) The persons so elected, if not already members of the Parish Council, shall by such election become members of the Parish Council.

### **Parish Council**

39. In every Parish there shall be a Parish Council which shall consist of the following persons duly appointed or elected in accordance with this Canon -
  - (a) the Parish Priest;
  - (b) every Assistant Curate and Stipendiary Lay Minister appointed by the Parish Priest to be a member of the Council;
  - (c) the Churchwardens;
  - (d) the Synod representatives;
  - (e) the Parish Nominators;
  - (f) the Parish Treasurer;
  - (fa) any District Churchwardens elected or appointed in accordance with Section 72 of the Canon, if they elect in writing to be members of the Parish Council;
  - (g) such other persons chosen as Councillors as aforesaid.

### **Chairman**

40. (1) The Parish Priest shall be the Chairman of all meetings of Parishioners, Churchwardens, or of the Parish Council held pursuant to the provisions of this Canon provided that the Parish Priest may appoint another person entitled to attend such meeting to act as Chairman.
- (2) The Parish Priest, if unable to attend any such meeting, may appoint in writing any person entitled to attend the meeting to act as Chairman.

- (3) In the absence of the Parish Priest and of any person appointed as aforesaid to be Chairman, or if the cure of souls be vacant, the meeting shall elect one of the Churchwardens to act as Chairman, if one be present and willing to act, otherwise the meeting shall elect one of its members to act as Chairman.
- (4) Notwithstanding anything contained in the previous sub-section, if the cure of souls be vacant the Archbishop or his representative may preside at any meeting of the Churchwardens, Parish Council or Parishioners.

### **Casting Vote**

41. The Chairman of any meeting referred to in this Part and the succeeding Parts of this Canon shall have both a deliberative and a casting vote.

### **Returning Officer**

42. The Parish Priest, or if the cure of souls be vacant a person appointed by the Archbishop, shall be the Returning Officer for all appointments and elections held pursuant to this part and the succeeding parts of this Canon.

### **Business at Annual Meeting**

43. At every Annual Meeting the order of business after prayers shall be -
  - (a) the presentation by the Parish Priest of a report of the work of the Parish;
  - (b) the presentation by the Churchwardens of the Report of the work of the Churchwardens and the Parish Council, and the presentation and adoption of the Parish Annual Financial Accounts;
  - (ba) consideration and adoption of the budget for the current year which has been drawn up by the Parish Council;
  - (c) the reception of the reports of any other Parish organizations;
  - (d) the determination of the number of Churchwardens;
  - (e) the appointment and election of Churchwardens;
  - (f) in a year required by the Synod Canon the election of persons to represent the Parish in Synod;
  - (g) the election of Parish Nominators;
  - (h) the determination of the number of Parish Councillors to be further elected and appointed;
  - (i) the election of Parish Councillors;



- (j) the appointment by the Parish Priest (at his discretion) of persons to the Parish Council, pursuant to this Canon;
- (k) the appointment of Parish Auditors;
- (l) any other Parish business brought forward by the Parish Priest or Churchwardens or of which seven days' notice in writing shall have been given to the Parish Priest and Churchwardens (who shall ensure that all such business is notified wherever possible to the Electors on at least one Sunday preceding the Annual Meeting);
- (m) any business arising out of reports which has not already been dealt with;
- (n) the reading and confirmation of the minutes of the meeting unless this is delegated to the Parish Council.

### **Return**

44. The Parish Priest and Churchwardens of each Parish shall, not later than 15 March in each year transmit to the Registrar, in such form as may be prescribed by Regulation -

- (a) the names and other details of the persons appointed or elected as Churchwardens, Synod representatives, Parish Nominators, Parish Councillors and Parish Treasurer, certified by the Returning Officer;
- (b) information concerning the Parish and its personnel, including statistical information for the year just past;
- (c) the Parish Annual Financial Return;

and the following Reports and Accounts presented to the Annual Meeting -

- (d) a copy of the Parish Priest's Report;
- (e) a copy of the Churchwardens' Report;
- (f) the audited Parish Annual Financial Accounts.

### **Submission and Undertaking**

45. (1) Before entering upon the duties of office each Churchwarden, representative in Synod, Parish Nominator, Member of the Parish Council and Parish Treasurer shall sign -

- (a) the declaration of submission to the Constitution and Canons set out in Schedule 2 to the Constitution (except where the person has previously signed the declaration), and
- (b) an undertaking in the form contained in Schedule 3 to this Canon.

- (2) In the event of the document containing the declaration of submission to the Constitution and Canons set out in Schedule 2 to the Constitution being lost, mislaid or destroyed, any such person shall when required so to do by the Registrar of the Diocese again subscribe to such declaration.

### **Vacancy**

46. (1) Where a person is required to be an Elector to hold any office, that office shall become vacant if the person ceases to be an Elector.
- (2) Any person holding any office in a Parish or as representative for that Parish in Synod may by writing addressed to the Parish Priest (or to the Archbishop if the cure of souls is vacant) resign that appointment.
- (3) Where a person holds any office by virtue of which the person becomes a member of the Parish Council, on resigning from that office the person shall be deemed likewise to have resigned from the Council, unless by virtue of holding some other office the person is a member of the Council.
- (4) A person who vacates an office in a Parish for any reason does so without prejudice to any responsibility to which the person may be liable in respect of the conduct of the said person in the such office.

### **Filling Vacancies**

47. (1) A person elected or appointed to hold office as Churchwarden, Councillor, Parish Treasurer, Parish Nominator, Parish Auditor or Synod representative of a Parish shall hold office except as otherwise provided in this or any other Canon until a successor shall have been appointed.
- (2) If any of the aforesaid offices shall become vacant prior to the Annual Meeting at which the office would usually be filled some other fit and qualified person shall be appointed by the Parish Council to fill the vacant office and the person so appointed shall continue and remain in office until the appointment of a successor; provided that in the case of the Churchwarden appointed by the Parish Priest, the Parish Priest shall fill such vacancy, and in the case of other persons appointed by the Parish Priest, the Parish Priest may fill such vacancy.
- (2A) If the office of representative in Synod is vacant at the time of an Annual Meeting (not being in a year when an election for representatives in Synod is required by the Synod Canon) the election of a person to fill the vacancy for the remainder of the term of the Synod then current shall be placed on the agenda for the Annual Meeting and shall become part of the business of that meeting.
- (3) In the event that the Electors at an Annual Meeting fail to elect the required number of Councillors or to fill any other position which is required to be filled by them under this Canon then the Parish Council may fill such vacancy or vacancies.

**Special Meeting of Parishioners**

48. The Parish Priest of any Parish may, and shall on receiving a written requisition to that effect signed by the Churchwardens or by a majority of the members of the Parish Council or by ten Parishioners, convene a meeting of Parishioners for the consideration of special business and shall give notice thereof in the manner hereinbefore mentioned for the holding of the Annual Meeting, such notice to specify the nature of the special business to be considered at such meeting.

**Meeting when a new Parish constituted**

49. (1) When the Archbishop-in-Council shall have constituted a new Parish, a Special Meeting of Parishioners shall be convened as soon as is practicable.
- (2) The business of such Special Meeting shall be as specified in this Canon for an Annual Meeting of a Parish, so far as is appropriate.
- (3) Persons elected to any office in the Parish at such Special Meeting shall hold office until the next Annual Meeting.

**Meetings of the Parish Council**

50. (1) The Parish Council shall meet not fewer than six times in each year at such times as it shall from time to time decide.
- (2) The Parish Priest may, and shall on receiving a written requisition to that effect signed by the Churchwardens or by a majority of the members of the Parish Council, convene a meeting of the Parish Council.

**Notice of Meeting**

51. Notice of any meeting of the Parish Council whether ordinary adjourned or special shall be given in such manner as the Parish Council shall decide and in the absence of such a decision then in the Parish paper (if any) or at services on the Sunday immediately preceding the holding of such meeting provided that nothing in this section shall be construed to prevent notice being given by any additional method.

**Quorum**

52. (1) At all meetings of Parishioners held in a Parish the quorum for the transaction of business shall be ten Electors.
- (2) At a meeting of the Parish Council the quorum for the transaction of business shall be the number which is the next whole number higher than half of the number of persons entitled to attend.

**Minutes**

53. (1) The Chairman shall ensure that Minutes of the proceedings and resolutions of every meeting of Parishioners including the Annual Meeting are duly and regularly entered in a Book to be kept for that purpose.
- (2) The Minutes so entered shall, in the case of a meeting of Parishioners, be read aloud and confirmed at the close of the meeting to which they relate, except that the meeting may resolve to delegate the confirmation of the Minutes to the Parish Council in which case they shall be confirmed at the next meeting thereof.
- (3) In the case of a Meeting of the Parish Council the minutes so entered may be read aloud and confirmed at the close of the meeting to which they relate, and if not so dealt with they shall be confirmed at the next meeting thereof.

**Accounts**

54. The Parish Council shall present to the Annual Meeting in such form as may be prescribed by Regulation the Parish Annual Financial Accounts, being a duly audited account of the moneys received and disbursed during the last financial year (including all moneys received and disbursed by or for any Parish organization) and a statement showing what moneys if any are owing by the Parish and what moneys are held by or on behalf of the Parish including moneys held in any account or on any deposit.

**Parish Auditors**

55. (1) At every Annual Meeting a person or persons shall be appointed as the Parish Auditor or Parish Auditors for the purpose of auditing the accounts of the Parish Council for the year.
- (2) The qualifications required by a Parish Auditor for the purpose of auditing accounts of the Parish Council shall be as prescribed by Regulation.
- (3) The Archbishop-in-Council may for any reason which to him appears sufficient reject the appointment by the Annual Meeting of a person as Parish Auditor and in such case may appoint a duly qualified person (or persons) to be such Parish Auditor.

**Annual Reports**

56. (1) The Parish Priest shall present to the Annual Meeting a report of the work of the Parish for the year past.
- (2) The Churchwardens shall present to the Annual Meeting a report of the work of the Churchwardens and of the Parish Council during their term of office.

**Archbishop's Prerogative**

57. (1) The Archbishop or the duly appointed representative of the Archbishop shall have the right to attend and take part in any meeting of the Parishioners of any Parish and shall be ex officio a member of all Parish Councils.
- (2) The Archbishop or the representative of the Archbishop shall not be counted for the purpose of reckoning if a quorum be present, nor in the case of the Parish Council for the purpose of reckoning the number of the quorum.

**Parish Priest a Member of Committees etc.**

58. The Parish Priest shall be a member ex officio of all Committees whether appointed by the Parish Council or by the Parishioners, and shall be entitled to be a member of all societies and organizations formed within the Parish.

**PART VI - DUTIES AND RESPONSIBILITIES**

**Duties and Responsibilities of Churchwardens**

59. (1) The duties and responsibilities of the Churchwardens are as follows -
- (a) to attend on the Archbishop or his Commissary or the Archdeacon whenever cited to a visitation;
  - (b) in the event of the death of the Parish Priest immediately to report the vacancy to the Archbishop;
  - (c) to take care that all persons be placed as conveniently as possible during the celebration of Divine Service;
  - (d) to take care that order and quiet be preserved in and about the Church during the celebration of Divine Service;
  - (e) to report to the Archbishop any irregularity of conduct on the part of the Parish Priest;
  - (f) subject to the Canons and any general or special direction of the Parish Council to disburse the funds of the Parish.
- (2) The duties and responsibilities of the Churchwardens acting in conjunction with the Parish Priest are -
- (a) subject to any general or special direction of the Parish Council to be the executive and standing committee of the Parish Council at times when the Council is not meeting;

- (b) to be responsible for the communication of all information and documents required by Canon to be communicated to and from the Parish;
- (c) to have the appointment, control and dismissal of all lay officers other than Stipendiary Lay Ministers;
- (d) to have the control of all ornamentation and decoration of the Church, subject to appeal to the Archbishop;
- (e) to approve any special collections.

### **Duties and Responsibilities of the Parish Council**

60. The duties and responsibilities of the Parish Council are as follows -

- (a) in conjunction with the Parish Priest and Churchwardens to prepare and assist in implementing programmes designed to further the mission and ministry of the Church in the Parish and beyond;
- (b) to provide and preserve all things needful for the decent celebration of Divine Service the administration of the Sacraments and Rites of the Church and safe keeping of Parish records;
- (c) subject to the Canons, to have the authority in the administration of Parish funds (including the funds of all Parish organizations), their receipt and disbursement, and in all matters connected with the material assets or liabilities of the Parish;
- (d) to be responsible for the drawing up of a budget, being an estimate of income and expenditure of the Parish for the ensuing year, for the presentation of the budget to the Annual Meeting for adoption by the Parishioners, for the amendment from time to time as necessary of the budget as adopted at the Annual Meeting, and for such actions as may be necessary to adhere to the estimate of expenditure and for the estimate of income to be achieved;
- (e) to receive all payments belonging to the Parish;
- (f) to make provision for the punctual payment of the Parish Priest's stipend, the stipend of all stipendiary Assistant Curates and lay ministers and the salary of all other paid church officers;
- (g) to deduct make and transmit to the General Manager, or to such other persons or bodies as may be required, contributions directed to be made by the following Canons -

Superannuation Canon,  
Long Service Leave Canon,  
Insurance Canon 1997,

and contributions set out in a Schedule of Parish Contributions adopted by Synod;

- (h) so far as the Parish funds lawfully available for these purposes may allow, to keep in repair the fabric of the Church, the Parish Priest's residence and other buildings and to provide such furnishings and amenities in the residences owned by the Parish as may be prescribed by Regulation;
- (i) to ensure that any property for which they are responsible is insured in accordance with any direction of the Board of Management under the Insurance Canon 1997;
- (j) to insure the Parish Clergy and all lay workers employed by the Parish under a Workers Compensation policy issued by WorkCover Queensland if required to do so by the Board of Management under the Insurance Canon 1997 and as the Board may direct;
- (k) in conjunction with the Parish Priest and Churchwardens, to report to and be responsible to Synod (through the Commission for Community Welfare and Social Justice) in respect of Parish based endeavours relating to community welfare and social justice;
- (l) to act as a Council of advice to the Parish Priest and the Churchwardens.

### **Committees**

- 61. (1) Subject to the provisions of this Canon, the Parish Council may appoint committees to carry out such of its functions as it may require.
- (2) A committee of the Parish Council shall not have the power to delegate all or any of the functions assigned to it by the Parish Council.
- (3) The Parish Council may appoint as members of committees any persons who are Parishioners, provided that at least one member of each committee shall be a member of the Parish Council.

### **Use of Residence**

- 62. The Parish Priest may freely use and enjoy the Parish Priest's house and land belonging to the Church provided that the Parish Priest shall not without the consent in writing of the Parish Council and of the Archbishop-in-Council first had and obtained let or otherwise dispose of or part with possession of such house or any portion thereof nor shall the Parish Priest without the consent of the Archbishop reside beyond the Parish boundaries (if any).

### **Church Keys**

- 63. The keys of the church, belfry and other buildings shall be in the custody of the Parish Priest, who shall allow the Churchwardens and other officers of the Parish to perform in the church from time to time and at all times all lawful acts appertaining to their several offices respectively.

**Parish Priest in Control of Worship**

64. (1) The Parish Priest shall, subject to the control of the Archbishop and to the Canons, be in complete control of worship including the music and choir.
- (2) The Parish Priest shall at all times have access to the Church and other buildings and the sacred vessels, bells and other things appertaining to the Church used for worship, and may conduct Divine Service, administer the sacraments and perform all other rites and ordinances of the Anglican Church of Australia as the Parish Priest is entitled by ordination and licence to do without any hindrance from any other person whatsoever except as in the Canons provided.

**Meetings**

65. No meetings shall be held in any Parish building or on any Parish land without the consent of the Parish Priest, or during absence of the Parish Priest of the Churchwardens who shall in such instance be subject to the direction and control of the Archbishop.

**Parish Finances**

66. All moneys received in the Parish shall be disbursed in order of priority as follows -
- (a) money received for a particular purpose shall be disbursed for that purpose;
  - (b) provision of bread and wine for the Holy Communion;
  - (c) payment of the stipend of the Parish Priest and any Assistant Curates and Stipendiary Lay Ministers;
  - (d) payment of all moneys due and payable in accordance with or pursuant to a Statute of the State or Commonwealth or a Regulation or By-Law lawfully made thereunder;
  - (e) payment of all assessments, contributions and payments required by Canon or set out in a Schedule of Parish Contributions adopted by Synod;
  - (f) all other expenses incurred by the Parish.

**Parish Records**

67. (1) The Parish Priest shall keep and have the custody of proper Books and records as follows -
- (a) Register of Baptisms;
  - (b) Register of persons admitted to Holy Communion prior to Confirmation;
  - (c) Register of Confirmations;



- (d) Register of Marriages;
  - (e) Register of Funerals (including Cremations);
  - (f) Register of Services held in the Parish.
- (2) The Churchwardens, with the advice of the Parish Priest, shall take care that a Roll of Parishioners is kept and maintained, and that in the Roll the Electors are identified.
- (3) The Parish Council shall ensure that the following records are kept and maintained -
- (a) financial records and accounts;
  - (b) minutes of meetings of Parishioners and of meetings of the Parish Council;
  - (c) inventory of the property of the Parish;
  - (d) the diocesan handbook.

#### **Authority of the Archbishop-in-Council**

68. The Archbishop-in-Council may settle and determine all doubts and disputes which may arise with reference to any elections or the transaction of business by Parish officers or by a meeting of Parishioners or a Parish Council and may give authority or permission for the extension of any time set out in this Canon for the doing of any act or the holding of any meeting.

#### **Removal from office**

69. The Archbishop-in-Council may by resolution notified in writing remove from office any Churchwarden, Parish Councillor, Parish Treasurer, or Parish Nominator for non-compliance with the provisions of the Constitution and Canons of the Diocese or for any other cause which may to him seem sufficient.

### **PART VII - DISTRICTS AND DISTRICT CHURCHWARDENS**

#### **District**

70. For the purpose of this Canon a District is any part of a Parish where a congregation gathers regularly by the authority of the Parish Priest for the purposes of worship and the administration of the sacraments.

#### **District Meetings**

71. (1) The Parishioners of a District may hold an Annual Meeting not later than the last day in February in each year but always prior to the Annual Meeting of the Parish of which the District forms part.

- (2) Notice of the time and place of such Annual District Meeting shall be affixed to the principal door of the Parish Church and shall be prominently displayed at the place within the District where the congregation so gathers or announced at any times of divine service held at such place, for a period of not less than ten days including two Sundays immediately preceding the day of such Meeting.
- (3) Five Electors of the District shall form a quorum.

#### **Appointment of District Churchwardens**

72. (1) At any Annual District Meeting there may be chosen in manner set out hereunder as District Churchwardens not more than two persons being Parishioners of the District and qualified to be Electors (none of whom shall be a Member of the Clergy or a Stipendiary Lay Minister) who shall hold office until the Annual District Meeting held the following year, or if no such Annual District Meeting is held, until the Annual Meeting of the Parish held in the year following their appointment.
- (2) The Parish Priest may appoint one District Churchwarden and one may be elected by the Electors present at the meeting.

#### **Business at Annual District Meeting**

73. The provisions in this Canon referring to the order and conduct of business at the Annual Meeting of the Parish shall apply to an Annual District Meeting to the extent that they may be reasonably applied.

#### **Duty of District Churchwardens**

74. Subject to any express direction of the Churchwardens and Parish Council of the Parish, it shall be the duty of District Churchwardens -
  - (a) to assist in the provision and preservation of all things needful for the decent celebration of Divine Service the administration of the sacraments and the rites of the Church and safekeeping of such Parish records as are kept in the District;
  - (b) to receive payments in the District belonging to the Parish and to convey the same as soon as convenient to the Parish Treasurer provided however such District Churchwardens may with the prior consent in writing of the Parish Council retain all or any of such payments to be used in accordance with such directions and for such purpose as the Parish Council may from time to time in writing direct;
  - (c) to assist in seeing that all persons be placed as conveniently as possible during the celebration of Divine Service in the Church or place of worship in the District;
  - (d) to assist in taking care that order and quiet be preserved in and about the Church or place of worship in the District during the celebration of Divine Service.

PART VIII - PROVISIONAL PARISHES

**Provisional Parishes**

75. (1) The Archbishop-in-Council may from time to time declare any part of the Diocese to be a Provisional Parish, and may from time to time declare any Provisional Parish not to be a Provisional Parish.
- (2) A declaration that a part of the Diocese is a Provisional Parish may be made if those persons seeking the making of it satisfy the Archbishop-in-Council that they will use their best endeavours to enable the proposed Provisional Parish to accept within a period of five years all the rights and responsibilities of a Parish.

**Provisional Parishes not to be Benefices**

76. The operation of sub-section (2) of section 5 of the Principal Canon shall not extend to a Provisional Parish.

**Provisions in this Canon may not apply**

77. The Archbishop-in-Council may by resolution provide that the operation of section 16 of this Canon or of any Regulation or portion of any Regulation shall not extend to the Provisional Parishes or any of them.

**Provisions in other Canons may not apply**

78. Notwithstanding the provisions of the canons mentioned in this section, the Archbishop-in-Council may by resolution provide either generally or in particular cases that payments required to be made by Provisional Parishes under the Long Service Leave Canon, the Superannuation Canon and the Synod Canon need not be made by the Provisional Parishes.

**Provisional Parishes to exist for a limited time**

79. After the expiration of a period of five years from the time when the Archbishop-in-Council may have declared a part of the Diocese to be a Provisional Parish, that declaration shall cease to be of any effect, and the said Provisional Parish shall cease to be in existence, provided that the Archbishop-in-Council may by resolution and from time to time extend the said period by up to two years at any one time.

**SCHEDULE 1**

(Section 30)

Notice is hereby given that the Annual Meeting of the Parish of *[name of Parish]* will be held in *[place of meeting]* on *[which day]* the *[date]* day of *[month]* 19.. at *[time]* .

The Agenda for the Annual Meeting will be as follows -

*[here insert an order of business adapted from section 43 of this Canon]*

**SCHEDULE 2**

(Section 32)

I, A.B., of (address) do hereby declare that -

1. I am baptised;
2. I am a member of the Anglican Church of Australia and of no Church which is not in communion with this Church;
3. I am at least 18 years of age;
4. I have been for a period of not less than three months and am an accustomed worshipper in the Parish of C.;
5. I claim to be a Parishioner of the said Parish;
6. I am not an Elector for any other Parish;
- 7.\* I am a communicant and claim to be an Elector of the said Parish.

\_\_\_\_\_  
(Signature of Declarant)

\* Strike out if inapplicable

**SCHEDULE 3**

(Section 45)

I, A. B., do hereby consent to be bound by the Constitution and Canons of the Diocese of Brisbane and I do hereby undertake to execute faithfully the office of C. to the best of my knowledge and ability.

**NOTES**

1. The *Parishes Regulation Canon* is part of Schedule 2 of the *Consolidating Canon 1990* [assented to: 12 June 1990].
2. By the *Provisional Parishes Canon 1991* [assented to: 19 June 1991] -  
Secs 2, 3 and 39 were amended.  
Part VIII (secs 75 to 79) was inserted.
3. By the *Anglicare Canon 1992* [assented to: 25 June 1992] -  
Sec. 60 was amended.
4. By the *Superannuation Canon Amendment Canon 1993* [assented to: 24 June 1993] -  
Sec. 60 was amended.
5. By the *Parishes Regulation Canon Amendment Canon 1994* [assented to: 19 June 1994] -  
Sec. 70 was deleted and a new section inserted.  
Sec. 71 was amended.
6. By the *Parishes Regulation Canon Amendment Canon 1995* [assented to: 19 June 1995] -  
Secs 39, 43, 60 and 74 were amended.
7. By the *Insurance Canon 1997* [assented to: 21 June 1997] -  
Sec. 60 was amended.
8. By the *Triennial Synod Canon 1998* [assented to: 20 June 1998] -  
Secs 15, 34, 43 and 47 were amended.
9. By the *Parishes Regulation Canon Amendment Canon 2002* [assented to: 22 June 2002] -  
Secs 15 and 17 were amended.
10. By the *Youth Synod Canon Repeal Canon 2003* [assented to: 28 June 2003] -  
Sec. 43 was amended.
11. By the *Parishes Regulation Canon Amendment Canon 2004* [assented to: 20 June 2004] -  
Sec. 4 was amended.
12. By the *Professional Standards Canon 2004* [assented to: 20 June 2004] -  
Sec. 22 was amended.
13. By the *Diocesan Governance Canon 2004* [assented to: 20 June 2004, Schedule 2 Part D in operation: 1 October 2004] -  
Secs 6 & 8 were amended.
14. By the *Diocesan Governance Canon Miscellaneous Amendments Canon 2005* [assented to 18 June 2005] -  
Secs 60 & 66 were amended.

15. By the *Parishes Regulation Canon Amendments Canon 2007* [assented to 23 June 2007, in operation 27 September 2007] -  
Secs 3, 14-24, & 29 were amended.
16. By the *Parental Leave Canon 2008* [assented to: 22 June 2008]  
Sec 3 was amended.  
Sec 29A was inserted.
17. By the *Non-Beneficed Clergy and Stipendiary Lay Ministers Canon 2009* [assented to: 21 June 2009]  
Sec 26A was inserted.
18. By the *Parishes Regulation Canon Amendment (Annual Holiday Allowance) Canon 2013* [assented to 23 June 2013] –  
Sec 29 was amended.
19. By the *Treasurer (Abolition of Office) Canon 2013* [assented to: 22 June 2013]  
Sec 60 was amended.

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Anglican Church of Australia - Diocese of Brisbane

**Regulations under the Parishes Regulation Canon**

**REGULATION I - FORMING A PARISH**

made by the Archbishop acting by and with the advice of the Diocesan Council on 21 September 1989.

[Sections 4(2)(a); 5]

The Archbishop-in-Council prescribes that the following criteria shall be taken into account for the purpose of declaring the existence of a parish:

**1. Personnel.** Adequate and satisfactory information with respect to the following:-

- [a] the number of adult regular communicants in the area, and the personal commitment exhibited by these church members;
- [b] projected population trends;
- [c] people capable and willing to undertake the various lay duties in a new parish;
- [d] the availability of a suitable priest to be appointed to the parish.

**2. The area.** Adequate and satisfactory information with respect to the following:-

- [a] the availability of suitable sites for a church and residence;
- [b] traffic flows and focal points of interest, including details of future development;
- [c] details of natural and man-made features which unite or divide the area;
- [d] geographical relationship between the proposed new parish and focal points of adjoining parishes;
- [e] boundaries of the proposed parish.

**3. Funding.** The following information in respect of costs:-

- [a] the present and potential giving of church people in the area;
- [b] the ability to raise other funds for the establishment of a parish in the area;
- [c] the existence of special circumstances which indicate a need for a new parish, but which also indicate little likelihood that the parish would be financially viable;

- [d] the possibility of maintenance of ministry from diocesan funds on a short or long term basis;
- [e] where diocesan assistance may be required, the priority in relation to other areas of ministry.

**4. Support.** The level of encouragement for the setting up of the parish from:

- [a] neighbouring parishes - their parish priests and parish councils;
- [b] the rural dean, archdeacon and regional bishop;

and their ability and willingness to provide care and nurture in the formative stages of the parish.

**5. Non-geographical parish.** In the case of a proposed parish without a geographical definition:-

- [a] the criteria set out above with appropriate modification;
- [b] the description of the group of people who are to form the parish;
- [c] the reasons why ministry through the parishes with geographical description is not appropriate or adequate in this case.

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Anglican Church of Australia - Diocese of Brisbane

**Regulations under the Parishes Regulation Canon**

**REGULATION II – DECLARING A BENEFICE**

made by the Archbishop acting by and with the advice of the Diocesan Council on 15 February 2001, replacing Regulation II made on 21 September 1989 which is hereby repealed.

[Sections 4(2)(b), 5(2)(a)]

The Archbishop-in-Council prescribes that the following provisions shall apply to the making of a declaration that a parish is a benefice:

**1. Review**

Prior to the consideration of the question whether a parish should be declared a benefice, a Review in accordance with Regulation XVII shall be carried out to the extent that may be required by the Archbishop-in-Council.

**2. Procedures**

- [a] The Parish Priest and the Churchwardens and a majority of the other members of the Parish Council shall petition the Archbishop in the accustomed form praying that the parish be declared a benefice.
- [b] The report of the Review made in accordance with Regulation XVII shall be received by the Archbishop-in-Council.
- [c] The petition and report may be referred to a committee of the Council for consideration and recommendations.
- [d] If the Council is of the opinion that the boundaries of the parish ought to be reviewed, the Council shall cause such review to be made, and the declaration that the parish be a benefice shall not be made until the Council is satisfied that the boundaries of the parish are satisfactory in all the circumstances.

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Anglican Church of Australia – Diocese of Brisbane

**Regulations under the Parishes Regulation Canon**

**REGULATION III – DECLARING A PARISH NOT A BENEFICE**

made by the Archbishop acting by and with the advice of the Diocesan Council on 15 February 2001, replacing Regulation III made on 21 September 1989 as amended which is hereby repealed.

[Sections 4(2)(c), 5(2)(b)]

The Archbishop-in-Council prescribes that the following provisions shall apply to the making of a declaration that a parish which has been a benefice shall no longer, for the time being, be a benefice:

**1. Definition**

In this regulation, “a declaration under this regulation” shall mean, in relation to the parish under consideration, a declaration by the Archbishop-in-Council that the parish (having been a benefice) shall no longer, for the time being, be a benefice.

**2. Procedure**

[a] A declaration under this regulation may be made without following the procedure set out in paragraph 2(b) where -

[i] the Parish Priest and a majority of the Parish Council petition the Archbishop praying that such a declaration be made;

[ii] the Parish Priest is not being paid on a full time stipendiary basis;

[iii] the Parish is vacant and following a Review made in accordance with Regulation XVII the Archbishop-in-Council is of the opinion that the Parish (if it were not then a benefice) would not be declared a benefice if it applied or petitioned pursuant to Regulation II at the time of the Review.

[b] In every other case the Archbishop-in-council shall not proceed to make a declaration under this regulation except in pursuance of the procedures set out hereunder:

[i] The report of a Review made in accordance with Regulation XVII shall be received by the Archbishop-in-Council.

[ii] The Archbishop-in-Council may refer the report of the Review to a committee of the Council for consideration and recommendations.

[iii] The General Manager shall invite the Parish Priest, the Churchwardens, and through them the other members of the Parish Council, or any of them, to object to the making of a declaration under this regulation.

- [iv] Any such objection shall be in writing addressed to the General Manager setting out in detail the reasons for such objection, and shall be received by the General Manager at least ten days before the date of the meeting of the Council at which the making of a declaration under this regulation is to be considered.
- [c] A declaration under this regulation shall take effect from the time when the declaration is made; provided that the Archbishop-in-Council may at the time the declaration is made postpone the operation of the declaration to a date to be fixed by resolution of the Council, and the declaration shall then take effect on the day so fixed.
- [d] Where the Archbishop-in-Council makes a declaration under this regulation, the General Manager shall notify in writing the Parish Priest (if any) and Churchwardens accordingly.

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Anglican Church of Australia - Diocese of Brisbane

**Regulations under the Parishes Regulation Canon**

**REGULATION IV - STIPENDS**

made by the Archbishop acting by and with the advice of the Diocesan Council on 19 October 1995 as amended on 26 September 2019.

[Sections 4(2)(d); 27]

The Archbishop-in-Council prescribes that the following provisions for stipend shall be made by parishes from the dates specified:

1. The minimum rate of stipend for assistant clergy and stipendiary lay ministers shall be \$60,803 per annum; and
2. The minimum rate of stipend for parish priests and associate priests shall be \$68,403 per annum.

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**Note:**

The above rates take effect from 1 January 2020.

Anglican Church of Australia - Diocese of Brisbane

**Regulations under the Parishes Regulation Canon**

**REGULATION V - PROVISION FOR HOUSING**

made by the Archbishop acting by and with the advice of the Diocesan Council on 30 September 2010.

**Definition**

In this regulation “parish priest”, “assistant clergy” and “lay minister” shall mean a person holding a full-time or part-time stipendiary position.

[Sections 4(2)(d); 27]

The Archbishop-in-Council prescribes that provisions for separate housing shall be made (by the Diocese, and each parish) for the accommodation of the parish priest assistant clergy, lay ministers, and other clergy appointed in the Diocese as follows:

1. The parish or the relevant Commission shall provide a residence conforming as to the building, the amenities and the furnishings at least to the minimum standards as set out by regulation.
2. The question whether a residence and/or its furnishings conform to the said minimum standards, and what arrangements shall be made, having regard to all the circumstances, where the residence and/or its furnishings do not conform to the said minimum standards, shall be determined by, in the case of a parish, the Archdeacon appointed to make such determination by the Archbishop, and in all other cases the relevant Commission. If the decision is not accepted by the person for whom the residence is provided, or by the parish council, the matter shall be determined by the Diocesan Services Commission .
3. In the case of the parish priest, assistant clergy, lay ministers or other clergy where a residence is not provided by the parish or the relevant Commission, or where it is determined in accordance with section 2 of this regulation that in all the circumstances the parish has not made adequate and proper provision for the person concerned, the parish or the relevant Commission shall pay a housing allowance to that person.
4. The minimum rate or level of any housing allowance paid in accordance with section 3 of this regulation shall be such as is agreed to by the person to whom it is to be paid and the parish council or the relevant Commission; and if they do not come to agreement, by the Regional Bishop or Archdeacon appointed by the Archbishop to make that determination.
5. The criteria to be used in determining the minimum rate or level of any housing allowance paid under this regulation shall be:
  - [a] for a person in parish ministry, the cost of renting available accommodation of Diocesan standard within parish boundaries, based on median weekly rents produced quarterly by the Queensland Residential Tenancy Authority website [www.rta.qld.gov.au](http://www.rta.qld.gov.au);

- [b] for a person not associated with a parish; the cost of renting accommodation of the median rent for the urban area in which the person is engaged be used as a guide and should be approved by the relevant Commission;
- [c] in the case of priests appointed to an executive position in the Diocese, the cost of renting accommodation of the medial rent for the location in which the appointed priest resides be used as a guide and should be approved by the relevant Commission;
- [d] the housing allowance should be reviewed by the parish on an annual basis to ensure the allowance is equitable to the current market; and
- [e] pro-rata will apply for part-time stipendiary clergy or lay ministers.

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Anglican Church of Australia - Diocese of Brisbane

**Regulations under the Parishes Regulation Canon**

**REGULATION VI - TRAVELLING FACILITIES**

made by the Archbishop acting by and with the advice of the Diocesan Council on 21 September 1989 with amendments to 12 April 2018.

[Sections 4(2)(d); 27]

The Archbishop-in-Council prescribes that provision shall be made by each parish for travelling facilities or allowances for the parish priest, and for any assistant clergy and stipendiary lay ministers appointed to the parish, as follows:

**1. General Policy**

The parish shall provide such travelling facilities or allowances as will in the opinion of the Archbishop-in-Council enable the person without expense to that person to undertake such travelling as may be necessary for the proper discharge of the duties appertaining to that person's office.

**2. Provision of vehicles**

- [a] Vehicles shall be provided for the use of the parish priest and each of the assistant clergy and stipendiary lay ministers appointed to the parish, except as provided below.
- [b] In the case of assistant clergy and stipendiary lay ministers, where it is agreed by that person, the parish priest and the parish council, that the person's duties are such as do not warrant the provision of a vehicle, the parish shall provide such travelling allowance as shall be agreed by the person and the parish council.
- [c] In any case where the parish is required to provide a vehicle, the person concerned and the parish council may agree that the person use a privately owned vehicle on church business, in which case a travelling allowance shall be paid to that person.

**3. Parish vehicles**

Where the parish owns the vehicle the following shall apply:

- [a] The parish shall keep the vehicle in good running order at its expense, and provide all operating expenses.
- [b] The person to whom the vehicle is provided shall be responsible for ensuring that it is regularly maintained and generally cared for.
- [c] The person to whom the vehicle is provided shall have the use of the vehicle at all times for parish and personal use, and for travelling outside the parish, including travel on annual leave; provided that agreement with the parish council shall be required prior to using the vehicle on annual leave over long distances, or over rough terrain, or towing a

caravan; and provided further that the said person shall pay for fuel when the vehicle is used for private purposes.

**4. Privately owned vehicles**

Where the parish pays a travelling allowance for the use of a privately owned vehicle, the following shall apply:

- [a] The travelling allowance shall be paid in equal instalments at the time the person's stipend is paid.
- [b] The travelling allowance shall be in two parts -
  - [i] one part to cover all standing costs including capital costs and fixed costs; and
  - [ii] one part to cover operating costs.
- [c] The person to whom the allowance is paid and the parish council may agree from time to time upon an estimate of the operating costs, which shall then be deemed to cover all the operating costs incurred on church business; in the absence of such agreement, the operating costs shall be calculated by reference to a log book kept by the said person.
- [d] The following scale of travelling allowances shall apply, and shall be deemed to satisfy the requirements of this regulation:

Size of vehicle*	Fixed Costs	Operating Costs
Small sized car	\$4,965	18.6 ¢/km
Medium sized car	\$6,476	19.7 ¢/km
Large sized car	\$7,555	21.7 ¢/km

\* Car size:

- Small = 1600cc (1.6 litres) or less / rotary engine 800cc (.8 litre) or less
- Medium = 1601cc to 2600cc (1.601 litres to 2.6 litres) / rotary engine 801cc to 1300cc (.801 litre to 1.3 litres)
- Large = 2601cc (2.601 litres) and over / rotary engine 1301cc (1.301 litres) and over

**5. Failure to agree**

Where in this regulation provision is made for agreement to be reached between some or all of the parish council, the parish priest, assistant clergy and stipendiary lay ministers, and such agreement is not reached, then the matter shall be determined by the Archdeacon appointed to make such determination by the Archbishop; and if his decision is not agreed to by all of the persons or parties involved, the matter shall be determined by the Archbishop-in-Council.

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Anglican Church of Australia - Diocese of Brisbane

**Regulations under the Parishes Regulation Canon**

**REGULATION VII - REMUNERATION FOR OCCASIONAL DUTY**

made by the Archbishop acting by and with the advice of the Diocesan Council on 21 September 1989 with amendments to 23 August 2018.

[Section 4(2)(d)]

The Archbishop-in-Council prescribes that provision shall be made by each parish for remuneration to clergy and their parishes for the conduct of occasional duty in the parish, as follows:

**1. Fees for retired clergy**

- [a] Retired clergy taking church services on Saturdays, Sundays, Christmas Day or Good Friday shall be paid a fee of \$80 for one service or \$120 altogether for more than one service in a day.
- [b] On other days, retired clergy shall be paid such fee for taking church services as shall be agreed by that person, and the parish priest and parish council.

**2. Travelling allowances for retired clergy**

- [a] Where retired clergy use their own vehicle in travelling in connection with the conduct of church services, the parish shall pay a travelling allowance in accordance with the Australian Taxation Office per kilometre rate.
- [b] Where retired clergy do not use their own vehicles, the parish council shall reimburse all reasonable travelling expenses actually incurred.

**3. Full-time clergy conducting temporary duties**

Where clergy on full stipend conduct temporary duties in a parish, the parish council shall reimburse the parish of the relieving clergy, and the clergy concerned, as follows:

- [a] Where the clergy use their own vehicles, they shall be paid according to the scale set out above.
- [b] Where the clergy use a parish vehicle, that parish shall be paid according to the scale set out above.
- [c] Where the temporary duties are of short duration, the parish shall be paid according to the scale of fees set out above for retired clergy.

- [d] Where the temporary duties extend over a lengthy period, the amount payable to the parish shall be a reasonable contribution for the services of the clergy concerned, as agreed between the two parish councils; provided that where agreement is not reached, the amount payable shall be determined by the Archdeacon appointed to make such determination by the Archbishop; and if his decision is not agreed to, the matter shall be determined by the Archbishop-in-Council.
  
- [e] Where the relieving clergy are in a full-time stipendiary position with a church agency other than a parish, the amounts payable to a parish council as set out above shall be payable to that church agency, and where it is set out above that agreement is to be made with that parish council, it shall instead be made with the executive body of the church agency.

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Anglican Church of Australia - Diocese of Brisbane

**Regulations under the Parishes Regulation Canon**

**REGULATION VIII - INTENTION TO TAKE LEAVE**

made by the Archbishop acting by and with the advice of the Diocesan Council on 19 October 1989.

[Sections 4(2)(e); 29]

The Archbishop-in-Council prescribes the following provisions in relation to leave of absence of parish priests:

**1. Notification of intention to take leave.**

Where a parish priest intends to be absent from the parish on annual leave or other leave as may be granted by the Archbishop, the parish priest shall inform the Archdeacon as to:-

- [a] the dates when the leave begins and ends;
- [b] ways in which the priest may be contacted in an emergency, if possible;
- [c] arrangements which have been made for the maintenance of the parish program of services;
- [d] arrangements which have been made for the services of a priest to be available apart from the program of services;
- [e] names, addresses and telephone numbers of the churchwardens, or of other persons who may need to be contacted in an emergency.

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Anglican Church of Australia - Diocese of Brisbane

**Regulations under the Parishes Regulation Canon**

**REGULATION IX - AUDITOR**

made by the Archbishop acting by and with the advice of the Diocesan Council on 19 October 1989 and amended on 17 April 1997.

[Sections 4(2)(1); 55(2)]

The Archbishop-in-Council prescribes the following in relation to the qualifications of parish auditors:

**1.<sup>1</sup> Qualifications.**

The qualifications of a person to be elected as a parish auditor shall be that the person is an accountant in public practice who is a member of the Institute of Chartered Accountants in Australia or the Australian Society of Certified Practising Accountants.

**2. Impracticality.**

- [a] Where in the opinion of the parish priest and the churchwardens it is not practicable to appoint an auditor with the above qualifications, the Annual Meeting may appoint some other competent person or persons as parish auditor.
- [b] In the case where a duly qualified auditor is not appointed, the facts of the matter shall be reported by the churchwardens in writing to the Registrar.

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1. Section 1 amended 17 April 1997.

Anglican Church of Australia - Diocese of Brisbane

**Regulations under the Parishes Regulation Canon**

**REGULATION X - ANNUAL RETURN**

made by the Archbishop acting by and with the advice of the Diocesan Council on 19 October 1989 and amended on 12 August 1993.

[Sections 4(2)(g); 4(2)(h); 4(2)(j); 42; 44; 60(g)]

The Archbishop-in-Council prescribes the following in respect of the annual return of persons and information:

**1. Persons.**

- [a] A return of the full name, mode of address, postal address and telephone numbers (at home and at work) of the persons elected or appointed to the following positions shall be made:

- # churchwarden;
- # synod representative;
- # parish nominator;
- # parish treasurer.

- [b] The returning officer of the parish shall certify in the following or like form to the election or appointment of the above persons:

"This is to certify that at the Annual Meeting of the [A] Parish, held on (date), at (place) the above persons were elected or appointed in accordance with the Parishes Regulation Canon 1989 to the offices as indicated. Given under my hand this \_\_\_ day of \_\_\_ 19 . (Signed) Returning Officer."

- [c] Where a position set out above is filled subsequent to the Annual Meeting, the returning officer shall forthwith return the same information in respect of the person filling the vacancy, and shall certify to the election or appointment in the above form, with suitable modification.

- [d] A return of the full name, mode of address, postal address and telephone numbers (at home and at work) of the persons holding the following positions shall be made:

- # parish priest;
- # assistant clergy;
- # stipendiary lay minister [showing area of ministry];
- # licensed non-stipendiary lay minister [showing area of ministry];
- # liturgical assistant [omitting phone numbers];
- # district churchwarden;
- # religious education contact person;
- # sunday school contact person;
- # youth group leader;

- # adult group contact person;
- # parish education secretary.

- [e] A return shall be made setting out the preferred mailing address for correspondence to be sent to the Churchwardens.
- [f] A return shall be made setting out whether a roll of parishioners is kept up to date, and whether electors are identified in the roll.
- [g] Where an auditor has been appointed who is not qualified as prescribed under the Canon, the report by the churchwardens to the Registrar setting out the facts of the matter shall be included in the annual return.
- [h]<sup>1</sup> In respect of clergy holding stipendiary positions who are members of a superannuation fund other than or in addition to the Clergy Superannuation Fund of the Diocese of Brisbane, a return shall be made setting out the following in respect of each such member of the clergy for the calendar year just past:

- # full name;
- # name of other superannuation fund;
- # total contributions by the parish ["Employer Contributions"] remitted to the other superannuation fund;
- # total deductions made from stipend ["Member Contributions"] and remitted to the other superannuation fund.

## 2. Church services.

- [a] A return showing the following information in respect of church services shall be made, in respect of the calendar year just past:
  - # number of infants and adults baptised;
  - # number of children admitted to communion prior to confirmation;
  - # number of males and females confirmed;
  - # number of persons received into this church;
  - # number of marriages conducted;
  - # number of funeral services conducted [including cremations];
  - # number of acts of holy communion;
  - # average number of Sunday communicants.

- [b] A return shall be made setting out, in respect of the current year, the schedule of Sunday and weekday services, including what form of service is normally used.

## 3. Pastoral and educational work.

A return shall be made setting out the following information in respect of pastoral and educational work:

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1. Section 1[h] added 12 August 1993.

- [a] Religious education in primary and secondary schools -
  - # number of schools visited;
  - # number of classes each week;
  - # number of clergy and of laity involved as teachers;
  - # curriculum used.
  
- [b] Each sunday school (or the equivalent) -
  - # the name of the sunday school or group;
  - # whether it is integrated with, or is run parallel to, or is fully separate from, the church service;
  - # the number of children on the roll in the following age groups: -5; 5-9; 10-12; 13-15;
  - # the average number in attendance;
  - # the curricula used;
  - # the number of teachers.
  
- [c] Each youth group, including CEBS and GFS, but keeping them separate -
  - # the name of the group;
  - # the number of persons involved, in the following age groups: 5-9; 10-12; 13-15; 16-18; 19-21, 21+;
  - # the number of leaders.
  
- [d] Adult groups -
  - # the name of the group;
  - # a brief description of the activity of each group.

#### **4. Buildings.**

A return shall be made setting out the following information in respect of buildings used by the parish:

- [a] Buildings owned and not owned by the Corporation and used regularly for worship -
  - # name or other description;
  - # type of building;
  - # seating capacity.
  
- [b] Buildings provided by the parish for the accommodation of the parish priest, the assistant clergy and stipendiary lay ministers -
  - # whether the parish owns the building;
  - # how many bedrooms are provided;
  - # whether a study is provided;
  - # whether the residence conforms with the minimum standards prescribed by the regulations, and if not, in what way.

- [c] Other buildings (including halls) owned by the Corporation -  
# its location in relation to churches or residences.
- [d] When the insurance value of each building owned by the Corporation was last adjusted.

**5. Provisions for travelling.**

A return shall be made setting out the following information in respect of provisions for travelling made by the parish:

- [a] Vehicles owned by the parish -  
# for whom the vehicle is provided;  
# make and year of vehicle.
- [b] Where travelling allowances are provided to fulltime persons -  
# to whom the allowance is paid;  
# in respect of fixed costs, the amount per annum;  
# in respect of operating costs, the amount per annum, or the rate per kilometre together with the kilometres paid for in the last financial year.

**6. Stipend and amenities.**

A return shall be made setting out the following information in respect of provisions for stipend and other amenities made by the parish for the parish priest, assistant clergy, stipendiary lay ministers and licensed non-stipendiary lay ministers:

- [a] The present rate of stipend, and whether it is paid regularly.
- [b] Whether the parish pays the following -  
# electricity, gas, oil, wood - for heating, lighting, power;  
# telephone calls;  
# attendance at retreat, conferences;  
# allowance for library;  
# allowance for entertainment;  
# the person's contribution towards superannuation.

**7. Form of return.**

The annual return shall be made on forms provided or approved by the Registrar for this purpose.

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Anglican Church of Australia - Diocese of Brisbane

**Regulations under the Parishes Regulation Canon**

**REGULATION XI - FURNISHING OF CHURCHES**

made by the Archbishop acting by and with the advice of the Diocesan Council on 23 November 2017.

[Sections 4(2)(f); 59; 60]

The Archbishop-in-Council prescribes that the following provisions shall be made for the furnishing of churches and for the decent celebration of divine service and the administration of the sacraments and rites of the church:

**1. The Font.**

- [a] There shall be provided a decent font with a cover to keep it clean.
- [b] The font shall stand as near to the principal entrance as conveniently may be, or in the chancel or sanctuary in full sight of the congregation, except there be a custom to the contrary or the Archbishop otherwise direct; and shall be set in as spacious and well-ordered surroundings as possible.
- [c] The font bowl shall only be used for the water at the administration of Holy Baptism and for no other purpose whatsoever.

**2. The Altar (or Holy Table).**

- [a] A convenient and decent altar, of wood, stone or other suitable material, shall be provided for the celebration of the Holy Communion, and shall stand in the main body of the church or in the chancel or the sanctuary.
- [b] The altar, as becomes the table of the Lord, shall be kept in a sufficient and seemly manner, and from time to time repaired, and shall be covered with a fair white linen cloth at the time of the celebration of the Holy Communion.

**3. The Communion Vessels.**

- [a] There shall be provided, for the celebration of the Holy Communion, a chalice for the wine and a paten or other vessel for the bread, of gold, silver, or other suitable metal; there shall also be provided convenient cruets or flagons for bringing the wine and water to the altar.
- [b] It is the duty of the parish priest to see that the communion vessels are kept washed and clean, and ready for the celebration of the Holy Communion.
- [c] There shall be provided a dish or other suitable receptacle for the reception of the gifts of the people.

**4. The Communion Linen.**

There shall be provided and maintained a sufficient number of fair white linen cloths for the covering of the altar, and of other fair white linen cloths (commonly called corporals, purificators and palls) for use during the celebration of Holy Communion.

**5. Vestments.**

There shall be provided and maintained in a clean condition for the use of the priest and other ministers surplices and albs, and the other vestments accustomed to be used in the parish.

**6. The Reading Desk, Lectern and Pulpit.**

There shall be provided a convenient desk for the reading of prayers, a convenient lectern for the reading of the Bible, and, unless it be not required, a decent pulpit for the sermon, to be set in a convenient place.

**7. Seats in Church.**

- [a] There shall be provided seats for the parishioners and others who attend divine service.
- [b] It belongs to the churchwardens, who may delegate this duty to other parishioners, to allocate the seats amongst the parishioners and others in such manner as the service of God may be best celebrated in the church; saving the right of the parish priest to allocate seats in the chancel and sanctuary.

**8. The Church Bells.**

- [a] It is desirable that there shall be provided at least one bell to ring the people to divine service.
- [b] No bell in or associated with any church shall be rung contrary to the direction of the parish priest.

**9. The Bible and Prayer Book for the Minister.**

- [a] There shall be provided for the use of the minister a Bible, including the Apocrypha, and a Book of Common Prayer, both of large size; a convenient Bible to be kept in the pulpit for the use of the preacher; and a Book of Common Prayer of large size, together with a cushion or desk, for use at the altar.

- [b] Where the Australian Prayer Book is available for use in the parish in accordance with the provisions of the Australian Prayer Book Regulation Canon of 1977, the Australian Prayer Book shall be provided in place of or in addition to the Book of Common Prayer.

**10. The Bread and Wine for the Holy Communion.**

- [a] The parish council, with the advice and direction of the parish priest, shall provide a sufficient quantity of bread and of wine for the number of communicants who shall from time to time receive the same.
- [b] The bread, whether leavened or unleavened, shall be of the best and purest wheat flour that conveniently may be obtained, and the wine the fermented juice of the grape, good and wholesome.
- [c] Notwithstanding clause 10[b] of this Regulation, the parish council, with the advice and direction of the parish priest, may provide suitable approved alternatives to the bread and wine referred to in clause 10[b] to meet the pastoral needs of specific individuals with a medical condition necessitating such alternatives. The alternatives to be used are to be approved by the regional Bishop.

**11. Oil for Ministry to the Sick.**

- [a] The parish council, with the advice and direction of the parish priest, shall provide a sufficient quantity of pure olive oil for the number of persons who shall from time to time be anointed under the provisions of the "Ministry to the Sick Canon 1981" of General Synod.
- [b] There shall be provided a convenient vessel of glass or suitable metal for the storing and carrying of the oil, and a safe and convenient place for the oil to be kept.

**12. The Tabernacle or Aumbry.**

Where the Archbishop issues a faculty for the provision of a tabernacle or aumbry in a church, the parish council shall provide in accordance with the faculty a safe and convenient place for the sacrament of the holy communion to be kept, in association with the place of the altar, and shall provide convenient vessels of gold, silver or other suitable metal for the sacrament of the holy communion.

**13. Lights.**

Where the Archbishop issues a faculty for the provision of lamps, candlesticks or candlestands in a church, the parish council shall provide the appropriate means of light for the objects which are the subject of the faculty.

**14. Other Fittings Furniture and Ornaments.**

- [a] Items of fabric, fitting, furniture or ornament which are in a church with the authority of the Archbishop at the time of the dedication or consecration of the church shall be deemed to be in the church pursuant to the granting of a Faculty by the Archbishop.
  
- [b] Other items of fabric, fitting, furniture or ornament, and items which have been customarily used in the church during the times of divine service shall not be disposed of except in order to be replaced, without first obtaining the permission of the Archbishop.

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Anglican Church of Australia - Diocese of Brisbane

**Regulations under the Parishes Regulation Canon**

**REGULATION XII - DESIGN OF CHURCHES**

made by the Archbishop acting by and with the advice of the Diocesan Council on 19 October 1989.

[Sections 4(2)(f); 9]

The Archbishop-in-Council prescribes the following minimum standards for the design of church buildings:

**1. Purpose.**

The design shall take account of the purpose for which a church is built, that is to say, to provide a special place for the parishioners and others who desire to gather in an appropriate setting for divine service and the celebration of the sacraments according to the rites and ceremonies of the Anglican Church of Australia.

**2. Size.**

- [a] The size shall be sufficient to accommodate the number of parishioners and others who are reckoned to be desirous of gathering for divine service, making allowance for such increase in numbers in the foreseeable future as demographic forecasting and expected changes in the pattern of attendance at worship may indicate.
- [b] Where it is planned to build a church in stages, each stage on its completion shall provide an appropriate setting for divine service and the celebration of the sacraments.

**3. Progression.**

- [a] The main entry shall be such as to welcome those who come to use the church.
- [b] It is expected that the design will provide for a progressive realisation in the minds of those who use the church that they are entering into a building dedicated to divine worship, by providing definite separations into:
  - # the world outside;
  - # the entry (traditionally in the nature of a porch);
  - # the antechamber (traditionally in the nature of a narthex), for the functions associated with the people's preparation for worship, and the conclusion of worship;
  - # the main church area (traditionally called the nave);

- # the sanctuary;
- # the ancillary areas of vestries and preparation rooms, which are intended to service the functions of the building; these shall be adequate in size and in their fittings.

**4. Focus.**

The focal point of the interior of the church shall be the sanctuary.

**5. Liturgical Space.**

There shall be provided spacious and well-ordered surroundings for the conduct of divine service, and for the celebration of the sacraments.

**6. Ornamentation.**

Decoration and artistic ornamentation should be of a high quality, with an enduring artistic appeal, conducive to the purpose of the building.

**7. On-going costs.**

The on-going costs of the building shall be fully considered.

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Anglican Church of Australia - Diocese of Brisbane

**Regulations under the Parishes Regulation Canon**

**REGULATION XIII - STANDARD FOR RESIDENCES**

made by the Archbishop acting by and with the advice of the Diocesan Council on 19 October 1989 with amendments to 28 May 2015.

[Sections 4(2)(f); 60(h)]

The Archbishop-in-Council prescribes the following with respect to the minimum standards of design for residences for the clergy and stipendiary lay ministers, and the minimum standards for the furnishings and amenities for such residences:

**1. Interpretation.**

The question whether a residence or its furnishings and amenities meets the standards set out in this regulation shall be decided with reference not only to the provisions set out below, but also to:

- [a] the ability of the parish council to upgrade existing residences and their furnishings and amenities;
- [b] the expected useful life of the building;
- [c] the anticipated time that the particular person will occupy the residence;
- [d] the importance of sound pastoral relationships between the person and the parishioners, especially at the commencement of a period of ministry in the parish.

**2. New residences.**

In the design of a house to be built, and in the design of an existing house to be purchased, for a church residence, the following provisions shall apply; the parish council shall make their best endeavours to upgrade existing church residences so as to meet, where applicable, these provisions:

- [a] Construction should be such as to require minimum maintenance.
- [b] The house should be positioned so as to make best use of sun and shade and of prevailing breezes.
- [c] The location of the house shall be considered in relation to the overall site plan.
- [d] There should be maximum use of accepted building precautions against cyclone damage.
- [e] The house should conform reasonably to the standard of dwellings existing in or projected for the locality.

- [f] The house should have four rooms available for use as bedrooms, of which two shall be large enough to accommodate either a double bed or twin beds; and a room or area able to be used for a study.
- [g] It is desirable that there be a second toilet/shower facility, and if there is not, then the toilet shall be separate.
- [h] The house shall be adequately insulated.
- [i] In the case of a residence for the parish priest, the following additional provisions shall apply:
  - [i] where there is no other provision for an office for the parish priest, the study in the house shall be large enough to use as the office; it shall be reasonably private from the living area of the house and shall have reasonably private access;
  - [ii] the space suitable for entertainment and small gatherings shall be separate from the family living area.

**3.<sup>1</sup> All residences.**

In all houses provided as a church residence, the following provisions shall apply:

- [a] There shall be a laundry with a single stainless steel trough, and adequate space and fittings to allow the installation of a washing machine.
- [b] Provision shall be made for storage.
- [c] Where reticulated sewerage is not available, septic tanks shall be installed.
- [d] Adequate insect screening shall be provided.
- [e] The main doors shall have security screen doors fitted.
- [f] The allotment, or an adequate portion of the allotment, shall be fenced with a child security fence, and screened to provide a private outdoor area.
- [g] A car-port shall be provided, or if possible a lockup garage.
- [h] Where appropriate, a capacious letter box shall be provided.
- [i] It is desirable to provide an exhaust fan in the kitchen, and ceiling fans in the main rooms.
- [j] Approved household smoke alarms shall be installed in accordance with guidelines issued by the Queensland Fire & Rescue Authority.

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1. Section 3 amended 10 June 1999 & 27 July 2006.



- [k] Approved safety switches shall be installed to the power circuits of all general purpose socket-outlets.

**4. Furnishing and fitting of new residences.**

In a house to be built, and an existing house to be purchased, for a church residence, the parish council shall provide the following furnishings and fittings; the parish council shall make their best endeavours to upgrade existing church residences so as to meet, where applicable, these provisions:

- [a] Bedrooms - built-in wardrobes shall be provided in all bedrooms.

**5. Furnishing and fitting of all residences.**

In all houses provided as a church residence, the parish council shall provide the following furnishings and fittings:

- [a] Floor covering - kitchen, laundry and bathroom shall have a hard covering. All other floors shall have adequate floor coverings or polished floors, in good condition.
- [b] All rooms shall be fitted with blinds or drapes, and suitable light fittings.
- [c] Kitchen - there shall be an adequate stove, a family-size refrigerator (480 litre minimum) with adequate freezing chamber, and storage cupboards.
- [d] A built-in linen press shall be provided.

**6. Furnishing of office for parish priest.**

The office for the parish priest, wherever it is provided, shall be furnished as follows:

- [a] a table or desk;
- [b] four chairs;
- [c] adequate bookshelves;
- [d] filing equipment for work-related filing;
- [e] cupboard with space suitable for hanging robes.

**7.<sup>2</sup> Other amenities.**

The parish council shall provide the reasonable costs of the following amenities in all church residences:

- [a] electricity, gas, oil and wood for heating, lighting and power for household use and work-related activities;
- [b] telephone calls and reasonable internet provision for work use.

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<sup>2</sup> Section 7[b] amended 28 May 2015.

Anglican Church of Australia - Diocese of Brisbane

**Regulations under the Parishes Regulation Canon**

**REGULATION XIV - BUILDING PROCEDURES**

made by the Archbishop acting by and with the advice of the Diocesan Council on 9 November 1989.

[Sections 8; 9]

The Archbishop-in-Council prescribes the following in relation to the erection or substantial alteration of buildings on land owned by the Corporation or acquired for the use of this Church:

**1. Interpretation.**

In this Regulation -

"the Board" shall mean the Property and Finance Board constituted under the Property and Finance Canon.

**2. Procedures.**

The procedures to be following in planning and approving the erection or substantial alteration of buildings shall be as set out in the Schedule to this Regulation.

**3. Architect.**

An architect registered pursuant to the Architects Act 1985 shall be engaged by the Parish for the design of building works and for the superintendence of the construction, unless relief from part or all of this section of the Regulation is granted by the Archbishop-in-Council.

**4. Local authority.**

[a] The Parish shall be responsible for ensuring that the appropriate consent is obtained from the local authority for the building works.

[b] Documents required to be signed by the registered proprietor shall be submitted to the Registrar for signing.

**5. Contract.**

No contract for building works referred to in this Regulation shall be agreed to by a Parish without the approval of the Board, and the contract shall be submitted for execution by the Registrar or the Treasurer of Synod or some other person authorized by the Board.

**6. Access for disabled persons.**

In the design and execution of all building works, access for disabled persons shall be provided to all facilities which are for the use of parishioners generally.

**7. Commemorative details.**

[a] The design and wording of any commemorative stones, tablets or plaques shall be approved beforehand by the Archbishop.

[b] The size of plaques associated with windows, furniture and fittings shall be no more than 225mm x 125mm, except with the express permission of the Archbishop.

**8. Archives.**

Within six months of the opening of a building the following shall be forwarded to the Registrar for preservation in the diocesan archives:

[a] as built drawings;

[b] photographs of the completed building work;

[c] orders of service for ceremonies associated with the building work.

**9. Documentation.**

The plans, drawings, briefs, specifications, financial statements, reports, contracts and other documentation referred to in this Regulation and the Schedule (or copies thereof) shall, as they are produced, be kept on file by the Registrar, and be available to any person or committee required to take any action under this Regulation.

## SCHEDULE

(Section 2)

### STEP 1.

PARISH

The Parish prepares -

- a plan of the site;
- preliminary building proposals;
- a draft design brief;
- a preliminary financial plan for the project.

The Parish Priest and Churchwardens then forward to the Archdeacon this material for noting and advice, and submit for consideration any application for relief under the provisions of section 3 of this Regulation.

### STEP 2.

ARCHDEACON

The Archdeacon meets with the Parish Priest and the Churchwardens. The Archdeacon reports direct to the Archbishop with all the material supplied by the Parish. The report shall deal with the following -

- [a] the desirability of the building works with reference to the functioning of the Parish;
- [b] the adequacy of the site for the anticipated needs of the parish and the relationship of the proposed building to existing and future buildings on the site;
- [c] the preliminary building proposals and the draft design brief;
- [d] proposed funding arrangements;
- [e] any application for relief under the provisions of section 3 of this Regulation;
- [f] other relevant matters.

### STEP 3.

ARCHBISHOP

If the Archbishop approves in principle he advises the Registrar, who brings the proposal before the Board.

**STEP 4.**

REGISTRAR AND PROPERTY  
& FINANCE BOARD

If the Board gives approval in principle, the Registrar advises the Parish accordingly.

**STEP 5.**

PARISH

The Parish refines the design brief and commissions detailed plans and specifications. The project is then costed.

**STEP 6.**

PARISH

The Parish reconsiders the financial plan, and sends the drawings, the specifications and the budget for the project to the Regional Bishop.

**STEP 7.**

REGIONAL BISHOP  
& ARCHDEACON

The Regional Bishop consults with the Archdeacon. Their report is sent to the Archbishop.

**STEP 8.**

ARCHBISHOP

If the Archbishop approves the building plan he advises the Registrar, who brings the proposal before the Board.

**STEP 9.**

REGISTRAR AND PROPERTY  
& FINANCE BOARD

If the Board approves the financial plan it gives permission to the Parish to call tenders or obtain quotations.

**STEP 10.**

PARISH

The Parish makes final arrangements for financing the project. Tenders are invited. The Parish Priest and Churchwardens furnish a full and detailed report on the financial arrangements and the tenders to the Registrar.

**STEP 11.**

REGISTRAR AND PROPERTY  
& FINANCE BOARD

The Board recommends acceptance of a tender and approval of financial arrangements.

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Anglican Church of Australia - Diocese of Brisbane

**Regulations under the Parishes Regulation Canon**

## **REGULATION XV - STIPENDIARY YOUTH, CHILDREN'S AND FAMILIES ("YCF") MINISTERS**

made by the Archbishop acting by and with the advice of the Diocesan Council on 29 September 2016.

[Sections 4(2)(d) and (e), 26, 26A, 27, 28, 29, 29A.]

Whereas –

- the Diocese of Brisbane welcomes the use of the skills and gifts of lay men and women in Youth, Children's and Families ("YCF") ministry in parishes;
- the Diocese of Brisbane acknowledges that the appointment of Stipendiary Lay Ministers with responsibility for YCF ministry requires special care and regulation; and
- it is seen as highly desirable that the process of appointing and licensing a YCF minister should be conducted in an expeditious manner;

the Archbishop-in-Council now prescribes the following in relation to the appointment and licensing of Stipendiary YCF Ministers.

Stipendiary YCF Ministers typically work in parishes, and must hold a Licence from the Archbishop, authorising the YCF Minister to work in a particular setting.

### **1. Interpretation**

In this Regulation –

"Stipendiary YCF Minister" means a Stipendiary Lay Minister<sup>1</sup> whose emphasis in ministry is towards and with youth and/or young adults and/or children and/or families, typically of a pastoral, teaching and discipling nature.

### **2. Application of this Regulation**

This Regulation will not apply to a person whose work is, for the majority of their work hours, genuinely administrative or otherwise non-pastoral in nature. Advice from Diocesan People & Culture (HR) should be sought regarding structuring of remuneration.

A person who receives remuneration from any party for performing YCF ministry in parish settings within the Diocese of Brisbane is to be appointed and licensed in accordance with this Regulation.

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<sup>1</sup> Parishes Regulation Canon sec. 3(1) - "Stipendiary Lay Minister" means a member of the laity who is licensed by the Archbishop for stipendiary parish ministry not being of an administrative, secretarial or accounting nature.)

### **3. Nature of Appointment**

In terms of licensing, there is no distinction made here between Stipendiary YCF Ministers who are employed on a full-time basis (38 ordinary hours per week) and those who are employed on a part-time basis (paid pro rata).

Stipendiary YCF Ministers may not be employed on a casual basis, unless previously approved in writing by the General Manager.

### **4. YCF Ministry Intern**

For the purposes of training and formation, a person may be appointed as a “YCF Ministry Intern” (Band 1 of Schedule 2), using the procedures set out in this Regulation for the appointment of a Stipendiary YCF Minister so far as they can reasonably be applied, including adherence to the National Employment Standards and Diocesan Canons.

The Parish Priest will consult with the Director of YCF, Diocesan Payroll and People & Culture (HR) before requesting the Archbishop to appoint one or more YCF Ministry Interns in any paid capacity.

### **5. Procedures for appointment and licensing of Stipendiary YCF Ministers**

Schedule 1 of this Regulation outlines the procedural steps that are to be followed in planning for and approving the appointment and licensing of Stipendiary YCF Ministers.

### **6. Employment Agreement**

The Parish shall use the Employment Agreement template provided by Diocesan People & Culture (HR) or the Director of YCF for this purpose. The Employment Agreement for a Stipendiary YCF Minister shall reflect the relevant Diocesan, State and Commonwealth legislative requirements.

### **7. Pre-requisite qualifications**

A person seeking to be appointed and licensed as a Stipendiary YCF Minister must be:

- a. a Confirmed communicant member of the Anglican Church of Australia, or a Church in Communion with the Anglican Church of Australia; and
- b. eligible to meet the requirements of Schedule 2 below.

### **8. Details relating to appointments**

Details relating to the appointment of Stipendiary YCF Ministers are set out in the Schedules to this Regulation as follows:

- Schedule 1: Outline of the Recruitment, Selection and Appointment Process  
Schedule 2: Pay scale bands

## **SCHEDULE 1**

### **Outline of the Recruitment, Selection and Appointment Process**

1. Parish Priest proposes to Parish Council that the appointment of a Stipendiary YCF Minister would be of benefit to the Parish, and outlines the key duties associated with that ministry.



2. The Parish Council validates that the proposed role is primarily pastoral in nature and passes a formal motion supporting the appointment of a YCF Minister.
3. Parish Priest seeks approval of the Regional Bishop.
4. Regional Bishop may seek further information from the Parish before approving the recommendation from the Parish Council, and when satisfied, approves the recommendation.
5. Parish Priest contacts the Director of YCF Ministry to initiate formal consultation regarding the required procedures for appointing a YCF Minister.
6. Parish Priest prepares a Position Description for the proposed YCF Minister position, listing specific responsibilities and the number of hours per week or fortnight (38 hours for full-time ministry) for which the YCF Minister will be employed.
  - a. *The current Diocesan PD template can be obtained from Diocesan People & Culture (HR) or the Director of YCF for this purpose, and the Director of YCF Ministry can assist with the position description if needed.*
7. Parish advertises for candidates. *Diocesan People & Culture (HR) can assist with placing advertisements.*
8. Parish Priest shortlists candidates based on agreed selection criteria and suitability for the role, and in consultation with the Director of YCF Ministry.
9. Shortlisted candidates are interviewed.
  - a. *Advice on Diocesan interview procedures should be sought from Diocesan People & Culture or the Director of YCF prior to any interviews being undertaken to ensure appropriate selection processes are followed and to mitigate any possible challenge to the selection process.*
10. Interview procedures include but are not limited to:
  - a. having an interview panel preferably of no more than three people and preferably including both genders;
  - b. agreeing upon selection criteria before the interview process commences;
  - c. using the standard ACSQ interview template with questions that link directly to the selection criteria (currently found at <http://anglicanchurchsq.org.au/wp-content/uploads/2013/08/Diocesan-Recruitment-and-Selection-How-To-Guide.pdf>)
  - d. documenting the interviewee's responses; and
  - e. conducting reference checks.
11. The Regional Bishop is to be invited to sit on the panel but may choose to delegate his/her place to the Director of YCF Ministry or another suitable person, in the expectation of a report being submitted to him/her, seeking approval of the appointment.
12. Outcomes of the interview process, including the details of the preferred candidate (if any), are submitted to the Regional Bishop.
13. If the Regional Bishop has not yet met the recommended candidate, he/she may request to do so, and this should be arranged without delay.

14. Upon the Regional Bishop's approval, the Director of YCF supports the Parish and the preferred candidate to ensure all paperwork is fully completed and then submitted in a timely manner to the Bishops' Office for processing. Paperwork includes: Employment Agreement; Licencing documentation; OPS credentialing checks; etc).
15. When all paperwork has been received and relevant credentialing checks have been satisfactorily completed by OPS, the Archbishop offers the position by sending a letter of offer and two copies of an Employment Agreement signed by an authorised Diocesan representative (normally the Parish Priest) to the preferred candidate.
  - a. *Paid employment may not commence before the date of the Archbishop's Licence to the appointee. The Parish Priest should notify Payroll of the starting date of paid employment.*
16. The appointee accepts the Archbishop's offer in writing, signs both copies of the Employment Agreement and returns one to the Bishops' Office. (Further contact with Payroll and the Registrar will follow.)
17. The new YCF Minister is commissioned within the parish.

## SCHEDULE 2

### Pay Scale Bands

BAND	MINIMUM REMUNERATION	EXPECTED QUALIFICATIONS/ EXPERIENCE
<b>4</b>	100% Minimum Rate of Stipend ("MRS") for a Stipendiary Lay Minister (cf. Parish Reg IV) + Housing Allowance (cf. Parish Reg V) + Superannuation + (optional) other allowances (cf. Parish Reg VI)	<ul style="list-style-type: none"> <li>• Tertiary degree in YCF Ministry and/or Theology or equivalent; and</li> <li>• Significant experience in relevant YCF ministry</li> </ul>
<b>3</b>	80% MRS for SLM (Parish Reg IV) + Superannuation + (optional) other allowances (see above)	<ul style="list-style-type: none"> <li>• Other qualification in YCF Ministry (e.g. Cert III or Cert IV) and</li> <li>• Relevant YCF ministry experience</li> </ul>
<b>2</b>	65% MRS for SLM (Parish Reg IV) + Superannuation + (optional) other allowances (see above)	<ul style="list-style-type: none"> <li>• Suitable and relevant experience and/or expertise in YCF ministry</li> </ul>
<b>1 (Intern)</b>	Minimum Wage + Superannuation + (optional) other allowances	<ul style="list-style-type: none"> <li>• Suitable interest and aptitude for YCF ministry</li> </ul>

*Note:* The above table indicates the minimum rate of pay required for each level. However, a Parish may elect to provide remuneration in excess of the above, provided such arrangements are detailed clearly in the Employment Agreement, discussed with Diocesan People & Culture staff to ensure relative alignment with similar Diocesan positions, and approved by the Regional Bishop.

Anglican Church of Australia - Diocese of Brisbane

**Regulations under the Parishes Regulation Canon**

**REGULATION XVI - PART-TIME PARISH CLERGY**

made by the Archbishop acting by and with the advice of the Diocesan Council on 17 October 1996.

[Sections 4(2)(d); 27]

The Archbishop-in-Council prescribes that the following shall apply to the appointment of part-time parish clergy, the payment of their stipends, and the provision of their housing and travelling facilities or allowances -

- 1 Where there is conflict between the provisions of this Regulation and of any other Regulation made under the Canon, to the extent of that conflict the provisions of the other Regulation shall be of no effect.
- 2 (1) Where -
  - (a) the written statement made by the churchwardens referred to in section 16 of the Canon, or
  - (b) any proposal made on behalf of a parish in respect of the matters referred to in section 16 of the Canon relating to the appointment of an assistant curate,  
  
sets out that the stipend facilities and, or allowances proposed to be paid or provided to the parish priest or assistant curate are below the minimum rate or level prescribed in the other Regulations, the appointment of the parish priest or assistant curate shall be deemed to be part-time, and this Regulation applies.
- (2) Such statement or proposal relating to a part-time appointment shall set out the extent to which (if any), variations from the minimum rate or level of stipend facilities or allowances prescribed in the other Regulations shall be paid or provided.
- (3) After a member of the clergy shall have been appointed or taken office pursuant to such statement or proposal no reduction of any stipend, facilities or allowances agreed to be paid or made shall be made without the consent of the Archbishop first had and obtained.
- 3 Prior to the appointment of a member of the clergy to a part-time position the following matters shall be settled in writing to the satisfaction of the Archbishop -
  - (a) the payment by or on behalf of the parish of contributions for superannuation and long service leave;
  - (b) arrangements for annual leave;
  - (c) the responsibilities and duties of the member of the clergy and of the parishioners, including expectations as to the availability of both clergy and laity for ministry.

- (d) a process for the periodic review of the appointment and the terms of the appointment.

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Anglican Church of Australia – Diocese of Brisbane

**Regulations under the Parishes Regulation Canon**

**REGULATION XVII – PARISH REVIEW**

made by the Archbishop acting by and with the advice of the Diocesan council on 26 June 2014.

[Sections 11, 11A, 12]

The Archbishop-in-Council prescribes that the following provisions shall apply to a Parish Review (“Review”) conducted under the Canon or the Regulations made under the Canon:

**Archbishop’s Prerogatives**

1. Nothing in this Regulation shall be read so as to limit alter or affect any of the Archbishop’s prerogatives, and in particular those set out in the Archbishop’s Prerogative Canon.

**Purposes and outcome**

2. The purposes of a Review of a parish are –
  - 2.1 to assess the strengths and weaknesses of the parish and its vitality and viability;
  - 2.2 to encourage and support the development of the parish in all aspects of its mission;
  - 2.3 to develop effective strategies;so that the parish can fulfil its role as a unit of the church in the overall mission of the church within the Diocese.
3. The outcome of a Review of a parish shall be a report to the parish and to the Archbishop-in-Council which will include recommendations as to strategies and appropriate actions that will fulfil the purposes of the Review.
4. The report should be completed and presented within two months of the commencement of the Review.

**Frequency and scope**

5. A Review shall normally be conducted -
  - 5.1 every five years (“Quinquennial Review”);
  - 5.2 when a Parish becomes vacant.
6. It is recognized that responsibility lies with the Archdeacon for ensuring that such a Review takes place as and when necessary.

7. The Archbishop-in-Council may in addition to the normal Reviews require a Review to be conducted -
  - 7.1 on the request of the Parish Council;
  - 7.2 at any other time that appears to the Archbishop-in-Council to be appropriate.
8. Except for the Quinquennial Review, the Archbishop or the Archbishop-in-Council may order or permit the scope of a Review to be limited to those Articles of Review that appear to him or them to be appropriate for the purposes of the Review that is to be conducted.

### **Review Team**

9. The Archbishop or Archbishop-in-Council shall appoint a person in holy orders to convene and be responsible for the Review (“Review Leader”).
10. The Review Leader will normally be the Archdeacon.
11. Unless the Archbishop or Archbishop-in-Council directs, or the Archdeacon determines, otherwise under this clause, a Review shall be conducted by the Review Leader. The Archbishop or Archbishop-in-Council may direct, or the Archdeacon may determine, that a Review shall be conducted by a group of people (“Review Team”) consisting of the Review Leader and persons with experience and skills in the fields to be reviewed, and if possible include representation from the Deanery. Unless the Archbishop or the Archbishop-in-Council nominates the members of a Review Team, the Review Leader shall choose the other members of a Review Team.
- 11A. A reference in clauses 12 to 15 of this Regulation to a Review Team includes a Review Leader acting alone in conducting a Review.

### **Parish Council**

12. The Review Leader shall either request the Parish Council to appoint two members of the Council to work in close consultation with the Review Team and to facilitate and participate in the review process within the parish or invite the Churchwardens to participate. It is expected that there will be close consultation between the Parish Priest and the Review Team at every stage of the review process.
13. The Parish Council as a whole as well as individual members of it, shall have access to the Review Team during the course of the Review, and the Review Team should be able to have similar access to them.
14. The Review Team may consult with members of the parish other than those who are members of the Parish Council.
15. The report by the Review Team shall be furnished to the Parish Council in draft form, and the council shall have opportunity to comment on the report prior to its finalisation and presentation to the Parish Council and to the Archbishop-in-Council.

**Articles of Review**

16. The Articles of review are as follows –

16.1 with respect to the ministry –

16.1.1 whether the mission strategy of the parish to the community has been formulated and is being implemented;

16.1.2 whether there is an understanding among at least the lay leaders of the parish of the role of the parish in the wider mission of the Church in the diocese;

16.1.3 whether programs have been prepared and are being implemented for the furtherance of the mission and ministry of the church in the parish and beyond the parish;

16.1.4 whether the parishioners are trained in, and exercising, their roles in all appropriate areas of ministry, with particular reference to: education, pastoral care, liturgy, stewardship, administration;

16.1.5 whether the parish boundaries are adequately and appropriately defined, and are not in need of review;

16.2 with respect to the parish land –

16.2.1 whether for the present and the foreseeable future the lands available for the use of the parish are adequate in area or more or less than adequate;

16.2.2 whether the lands are appropriately sited;

16.2.3 whether the lands are satisfactorily managed;

16.3 with respect to the buildings of the parish and their contents –

16.3.1 whether the parish church is adequate for or surplus to the requirements of the parish for the present and the foreseeable future, and churches are provided or are planned for other parts of the parish where there are established worshipping congregations or where congregations are expected to develop;

16.3.2 whether churches are satisfactorily furnished for worship;

16.3.3 whether residences are provided for the parish priest and other stipendiary staff, conforming to the minimum standards for such buildings and their contents as set under the Canon, or else adequate allowances in lieu are provided for them;

16.3.4 whether halls, other activity centres and offices are adequate for or surplus to present requirements and for the foreseeable future;

16.3.5 whether the buildings are maintained in good order and condition;

- 16.4 with respect to finance –
  - 16.4.1 whether the number of parishioners who are active is considered sufficient to ensure economic viability;
  - 16.4.2 whether all financial commitments are being met punctually, including: stipends, salaries & wages, overdraft and loan repayments, contributions under the Parish Contributions Canon, insurances;
  - 16.4.3 whether contributions under the Parish Contributions canon are set at a level satisfactory to the Archbishop-in-Council;
  - 16.4.4 whether there are any unauthorized debts or financial commitments;
  - 16.4.5 whether the Parish Council budgets realistically and adheres reasonably to the budget;
  - 16.4.6 whether economic and demographic forecasting indicates a strong likelihood of an adequate financial future;
- 16.5 with respect to administration –
  - 16.5.1 whether personnel and equipment are provided to a satisfactory standard for facilitating the work of worship, education and communication;
  - 16.5.2 whether the roll of parishioners is kept and is up-to-date, and in the roll the electors are identified;
  - 16.5.3 whether an inventory is satisfactorily maintained of all parish property;
  - 16.5.4 whether satisfactory risk management procedures are maintained;
  - 16.5.5 whether parish records are properly maintained and preserved, and the provisions of the Records and Archives Canon are observed.

**Implementation of Review**

- 17. The Archbishop-in-Council may from time to time authorize forms by which the various Articles of Review are evaluated.

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Anglican Church of Australia – Diocese of Brisbane

**Regulations under the Parishes Regulation Canon**

**REGULATION XVIII – MINISTRY DEVELOPMENT LEAVE**

made by the Archbishop acting by and with the advice of the Diocesan Council on 22 May 2003.

[Section 29]

The Archbishop-in-Council prescribes the following provisions in relation to leave of absence for Parish Clergy:

**1. Definitions.**

“Ministry Development” means study, learning, a reading course or other activity conducive to the attainment of further skills, experience or knowledge that will assist in ministering to members of the Christian community and to society at large.

*Examples of Ministry Development:* Courses in preaching, pastoralia, parish administration, spirituality, academic work such as is offered through the Brisbane College of Theology, summer and winter schools.

*Examples of what is not included in Ministry Development for the purposes of this Regulation:* Retreats, regional or archidiaconal conferences, holidays, long service leave.

“Ministry Development Leave” is leave of absence for Parish Clergy over and above their entitlements to annual leave as set out in the Canon, for the purpose of Ministry Development.

**2. Entitlement.**

- (a) Parish Clergy are entitled to take Ministry Development Leave after an equivalent of 12 months’ full time service in the Diocese.
- (b) Ministry Development Leave may be negotiated and arranged prior to becoming entitled to take the leave.
- (c) The term of Ministry Development Leave to which the Parish Clergy are entitled is 2 weeks’ leave for an equivalent of 12 months’ full time service in the Diocese.
- (d) Ministry Development Leave may not be accumulated for more than an equivalent of 24 months’ full time service in the Diocese.
- (e) Ministry Development Leave to which the Parish Clergy are entitled may be taken in one or more periods of time in accordance with this Regulation.

**3. Approval.**

- (a) Prior to seeking approval to take Ministry Development Leave, the Parish Clergy must consult and agree with the Churchwardens regarding the suitability of the time and locum arrangements (if locum arrangements are needed).

- (b) Ministry Development Leave may only be taken after approval has been given by the Archbishop or the Regional Bishop.
- (c) The Archbishop may designate particular instances or general types of Ministry Development for which prior formal approval from the Archbishop or the Regional Bishop is not required. In these cases, the other terms of this Regulation still apply.

**4. Stipend and emoluments.**

- (a) While on Ministry Development Leave the Parish Clergy are entitled to be paid their usual stipend in the usual way.
- (b) Travelling allowances (where paid), housing or accommodation allowances (where paid), superannuation and long service leave contributions, and other allowances to which the Parish Clergy are normally entitled in accordance with the terms of their appointment, continue to be paid to the clergy while on Ministry Development Leave.
- (d) During periods when the Parish Clergy are on Ministry Development Leave the Parish Council is responsible for the usual payments to clergy who may be required to provide locum tenens service.

**5. Report.**

- (a) A report concerning the work undertaken during Ministry Development Leave must be furnished to the Regional Bishop within 3 months of the completion of the leave.
- (b) A report must also be furnished to the Parish Council and the Deanery Chapter or Deanery Council for their edification and encouragement in ministry.

**6. Funding.**

The Parish Council may, but is under no obligation to, make contributions to the costs associated with the taking of Ministry Development Leave.

*Examples of costs to which the Parish Council may contribute:* travel, course fees, books, lecture notes, lecture tapes, accommodation.

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Anglican Church of Australia

**Regulations under the Parishes Regulation Canon**

**REGULATION XIX – MUNDUBBERA EIDSVOLD MONTO**

This Regulation was repealed by the Diocesan Council on 27 October 2011.

Anglican Church of Australia

**Regulations under the Parishes Regulation Canon**

**REGULATION XX – MARANOA-WARREGO ANGLICAN  
MISSION AREA**

made by the Archbishop acting by and with the advice of the Diocesan Council on 29 June 2017.

[Sections 4(1A), 4(1B)]

The Archbishop-in-Council makes the following exemptions, provisions and modifications from terms of the Parishes Regulation Canon for the purpose of allowing alternative forms of ministry not provided for in the Canon.

**1. Parishes affected**

This Regulation affects the Parishes of Mitchell, Charleville and Cunnamulla.

**2. Parish and District structure**

[1] Except as otherwise provided for in this Regulation or as required by the Archbishop or the Regional Bishop the three parishes affected by this Regulation shall be dealt with by the Diocesan administration and managed internally as one parish called the Maranoa-Warrego Anglican District (“Parish”).

[2] The Parish shall be managed as if comprised of three Districts, viz. Mitchell, Charleville, Cunnamulla.

**3. District arrangements**

[1] Each District will hold an annual meeting of Parishioners, and such other special meetings of Parishioners as may be required.

[2] The business of each District annual meeting will include:

[a] the election by the Electors of one District Churchwarden;

[b] in a year required by the Synod Canon, the election by the Electors of one representative in Synod;

[c] the election by the Electors of two Parish Councillors.

[3] [a] If desired by the District annual meeting and by the Parish Priest, a District Council may be formed.

[b] Those Parishioners belonging to the District who by election or appointment become members of the Parish Council are ex officio members of the District Council.

- [c] The Electors at the District annual meeting may elect further members of the District Council and the Parish Priest may appoint further members of the District Council up to one-half of the number elected by the Electors;
  - [d] Where a District Council is formed, its duties and responsibilities shall be determined by the Parish Council, which shall devolve upon the District Council so much of the duties and responsibilities of the Parish Council as is practicable.
- [4] [a] The Parish Priest may convene a special meeting of the Parishioners of the District, and must do so on receiving a written requisition to that effect signed by the District Churchwarden or by a majority of the members of the District Council or by ten Parishioners of the District.
- [b] Notice of the special business to be considered at the meeting shall be given in the same way as notice is given for holding the District annual meeting.

#### **4. Parish arrangements**

- [1] Each of the District Churchwardens shall be deemed to be a Churchwarden of the Parish.
- [2] The Parish Priest may appoint an additional Parish Churchwarden.
- [3] The Parish Priest may appoint up to three Parish Councillors, without regard to the District from which they come.
- [4] The Parish Council shall consist of –
- the Parish Priest,
  - the Churchwardens,
  - the Synod representatives,
  - the Parish Councillors elected by the Districts or appointed by the Parish Priest,
  - the Parish Treasurer appointed by the Parish Council.
- [5] [a] The Parish Council may make up the number of representatives of the Parish in Synod to four by the appointment of a suitably qualified person.
- [b] If a District fails to elect a representative in Synod, or if there is a vacancy in the position of representative in Synod, the Parish Council may make the appointment or fill the vacancy from any suitably qualified person in the Parish, after taking advice where appropriate from the relevant District Council.
- [6] The Parish Priest, the Parish Churchwardens and the Parish Council must ensure that the duties and responsibilities set out in the Canon for the officers of a parish and in particular for the Churchwardens [sec. 59] and the Parish Council [sec. 60], and any other administrative or management requirements of the Canon, such as those required to be dealt with at the Annual Meeting [sec. 43], are discharged.
- [7] A Special Meeting of the Parishioners of the whole Parish must be held if required under sec. 48 of the Canon, but an Annual Meeting of the Parishioners of the whole Parish need not be held.

**5. General**

- [1] All of the persons elected or appointed to the positions described in this Regulation, whether in the Districts or in the Parish, must be Electors.
- [2] Only one set of annual returns to the Diocese will be required for the Parish.
- [3] One contribution to the Diocesan budget will be set for the Parish.
- [4] In the case of any dispute as to the operation of this Regulation, or if other matters relating to the administration of the Parish or of a District need to be resolved, the Archbishop-in-Council refers the settling of the matter to the Regional Bishop, who may take such advice as he sees fit from the Parishioners, the Parish Priest and the Archdeacon. The authority of the Archbishop-in-Council set out in sec. 68 of the Canon is not affected by this referral.

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*Note:* Under section 4(1B) of the *Parishes Regulation Canon* this Regulation will cease to have effect on the third anniversary after the Regulation is made, unless within three months before that date it is renewed by the Archbishop-in-Council, with or without amendments.

Anglican Church of Australia

**Regulations under the Parishes Regulation Canon**

**REGULATION XXI – LEICHHARDT-CHINCHILLA ANGLICAN MISSION AREA**

Made by the Archbishop acting by and with the advice of the Diocesan Council on 24 November 2016.

[Sections 4(1A), 4(1B)]

The Archbishop-in-Council makes the following exemptions, provisions and modifications from terms of the Parishes Regulation Canon for the purpose of allowing alternative forms of ministry not provided for in the Canon.

**1. Parishes affected**

This regulation affects the Parishes of Leichardt and Chinchilla.

**2. Parish and Mission Area Structure**

[1] Except as otherwise provided for in this Regulation or as required by the Archbishop or the Regional Bishop the two Parishes affected by this regulation shall be dealt with by the Diocesan administration and managed internally as one parish called the Leichardt-Chinchilla Anglican Mission Area (“Parish”).

[2] The Parish shall be managed as if comprised of two Mission Areas, viz. Leichardt, Chinchilla.

**3. Mission Area arrangements**

[1] Each Mission Area will hold an annual meeting of Parishioners, and such other special meetings of Parishioners as may be required.

[2] The business of each Mission Area annual meeting will include:

[a] the election by the Electors of one Mission Area Churchwarden;

[b] in a year required by the Synod Canon, the election by the Electors of one representative in Synod;

[c] the election by the Electors of two Parish Councillors.

[3] [a] If desired by the Mission Area annual meeting and by the Parish Priest, a Mission Area Council may be formed.

[b] Those Parishioners belonging to the Mission Area who by election or appointment become members of the Parish Council are ex officio members of the Mission Area Council.

- [c] The Electors at the Mission Area annual meeting may elect further members of the Mission Area Council and the Parish Priest may appoint further members of the Mission Area Council up to one-half of the number elected by the Electors;
  - [d] Where a Mission Area Council is formed, its duties and responsibilities shall be determined by the Parish Council, which shall devolve upon the Mission Area Council so much of the duties and responsibilities of the Parish Council as is practicable.
- [4] [a] The Parish Priest may convene a special meeting of the Parishioners of the Mission Area, and must do so on receiving a written requisition to that effect signed by the Mission Area Churchwarden or by a majority of the members of the Mission Area Council or by ten Parishioners of the Mission Area.
- [b] Notice of the special business to be considered at the meeting shall be given in the same way as notice is given for holding the Mission Area annual meeting.

#### **4. Parish arrangements**

- [1] Each of the Mission Area Churchwardens shall be deemed to be a Churchwarden of the Parish.
- [2] The Parish Priest may appoint an additional Parish Churchwarden.
- [3] The Parish Priest may appoint up to three Parish Councillors, without regard to the Mission Area from which they come.
- [4] The Parish Council shall consist of –
- the Parish Priest,
  - the Churchwardens,
  - the Synod representatives,
  - the Parish Councillors elected by the Mission Areas or appointed by the Parish Priest,
  - the Parish Treasurer appointed by the Parish Council.
- [5] [a] The Parish Council may make up the number of representatives of the Parish in Synod to four by the appointment of a suitably qualified person.
- [b] If a Mission Area fails to elect a representative in Synod, or if there is a vacancy in the position of representative in Synod, the Parish Council may make the appointment or fill the vacancy from any suitably qualified person in the Parish, after taking advice where appropriate from the relevant Mission Area Council.
- [6] The Parish Priest, the Parish Churchwardens and the Parish Council must ensure that the duties and responsibilities set out in the Canon for the officers of a parish and in particular for the Churchwardens [sec. 59] and the Parish Council [sec. 60], and any other administrative or management requirements of the Canon, such as those required to be dealt with at the Annual Meeting [sec. 43], are discharged.



- [7] A Special Meeting of the Parishioners of the whole Parish must be held if required under sec. 48 of the Canon, but an Annual Meeting of the Parishioners of the whole Parish need not be held.

**5. General**

- [1] All of the persons elected or appointed to the positions described in this Regulation, whether in the Mission Areas or in the Parish, must be Electors.
- [2] Only one set of annual returns to the Diocese will be required for the Parish.
- [3] One contribution to the Diocesan budget will be set for the Parish.
- [4] In the case of any dispute as to the operation of this Regulation, or if other matters relating to the administration of the Parish or of a Mission Area need to be resolved, the Archbishop-in-Council refers the settling of the matter to the Regional Bishop, who may take such advice as he sees fit from the Parishioners, the Parish Priest and the Archdeacon. The authority of the Archbishop-in-Council set out in sec. 68 of the Canon is not affected by this referral.

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*Note:* Under section 4(1B) of the *Parishes Regulation Canon* this Regulation will cease to have effect on the third anniversary after the Regulation is made, unless within three months before that date it is renewed by the Archbishop-in-Council, with or without amendments.

Anglican Church of Australia – Diocese of Brisbane

## **PROFESSIONAL STANDARDS CANON**

**A Canon relating to professional standards within the Church and for other purposes.**

The Archbishop, Clergy and Laity of the Diocese of Brisbane assembled in Synod prescribe –

### **PART 1 – PRELIMINARY**

1. This Canon may be cited as the “Professional Standards Canon”.
2. (1) In this Canon, unless the context otherwise requires:

“**Board**” means the Professional Standards Board established under Part 7;

“**Certificate of Conviction**” means a certificate of conviction given under Section 72 of the Criminal Practice Rules 1999, or an equivalent document from any Court of competent jurisdiction, certifying as to the conviction of a Church worker of a criminal offence referred to in Chapter 22 (other than sections 224-226), Chapter 22A or Chapter 32 of the Criminal Code (Queensland) or any equivalent provision in legislation which repeals or replaces that Act, or any equivalent provision in any Commonwealth, State or Territory legislation.

“**child exploitation material**” means material that describes or depicts a person who is or who appears to be a child:

- (a) engaged in sexual activity; or
- (b) in a sexual context; or
- (c) as the subject of torture, cruelty or abuse (whether or not in a sexual context),

in a way that a reasonable person would regard as being, in all the circumstances, offensive. Child exploitation material can include any film, printed matter, electronic data, computer image and any other depiction.

“**Church**” means the Anglican Church of Australia;

“**Church authority**” means the Archbishop or a person or body having administrative authority of or in a Church body to license, appoint, authorise, dismiss or suspend a Church worker;

“**Church body**” includes a parish, school, any body corporate, organization or association that exercises ministry within, or on behalf of, the Church;

“**Church worker**” means a person who is or who at any relevant time was:

- (a) a member of the clergy; or
- (b) a person employed by a Church body; or
- (c) a person holding a position or performing a function with the actual or apparent authority of a Church authority or Church body;

but excludes a bishop subject to the jurisdiction of the Special Tribunal of the Church;

“**Code of Conduct**” means a code of conduct approved from time to time under Part 2;

“**Director**” means the Director of Professional Standards appointed under Part 5. The word “Director” also means the Associate Director appointed under Part 5 where it appears:

- (a) in sections 13 and 15; and
- (b) in sections 26 and 50 where the relevant powers and functions are conferred on the Associate Director and the context allows it;

“**equivalent body**” means a body of another diocese exercising powers, duties or functions equivalent to those of the PSC or the Board as the case may be, or where there is no such body, the bishop of the diocese;

“**examinable conduct**” means conduct wherever or whenever occurring the subject of information which, if established, might call into question:

- (a) the fitness of a Church worker, whether temporarily or permanently, now or in the future to hold a particular or any office, licence or position of responsibility in the Church or to be or remain in Holy Orders or in the employment of a Church body; or
- (b) whether, in the exercise of a Church worker’s ministry or employment, or in the performance of any function, the Church worker should be subject to certain conditions or restrictions;

“**grooming**” means the manipulative cultivation of a relationship in order to:

- (a) initiate or hide sexual assault of an adult or a child;
- (b) facilitate the procurement of a child to engage in a sexual act; or
- (c) expose, without legitimate reason, a child to any indecent matter.

In the case of child sexual assault, an offender may groom not only the child, but also the child’s parents or guardians, and clergy and church workers.

“**information**” means information of whatever nature and from whatever source relating to:

- (a) alleged conduct of a Church worker wherever or whenever occurring involving sexual harassment or assault, or sexually inappropriate behaviour, grooming or the possession, making or distribution of child exploitation material;
- (b) alleged inappropriate or unreasonable conduct or omission of a Church worker who had knowledge of conduct of another Church worker involving sexual harassment or assault, or sexually inappropriate behaviour, grooming or the possession, making or distribution of child exploitation material; or
- (c) an alleged process failure;

“**member of the Clergy**” means a person in Holy Orders;

“**national register**” means any national register established pursuant to a Canon of General Synod or a resolution of the Standing Committee of General Synod for the purpose of recording determinations of the Board and other equivalent bodies;

“**process failure**” means the failure by a Church body or Church authority prior to this Canon coming into effect to deal appropriately with or to investigate matters referred to in paragraphs (a) or (b) of the definition of information;

“**Professional Standards Committee**” or “**PSC**” means the Professional Standards Committee established under Part 4;

“**prohibition order**” means an order prohibiting a Church worker from holding a specified position or office in or being employed by a Church body or Church authority or from carrying out any specified functions in relation to any office or position in the diocese or in relation to employment by a Church body;

“**protocol**” means the protocol approved from time to time by the Archbishop-in-Council under Part 3;

“**referring body**” means the PSC or an equivalent body which refers a question or questions under section 54 to the Board;

“**respondent**” means a Church worker whose alleged conduct or omission is the subject of information;

“**sexual assault**” includes any abusive behaviour with a child for the sexual gratification of the respondent, or any abusive behaviour with an adult for the sexual gratification of the respondent where the respondent is in a position of authority over the adult.

(2) For the purposes of this Canon -

- (a) a person employed by a Church body; or

- (b) a person holding a position or performing a function with the actual or apparent authority of a Church authority or Church body;

will be taken to be engaged by a Church authority.

- 3. The Archbishop-in-Council may enter into such agreements or arrangements as it sees fit with the relevant authority of another diocese as to the terms on which the powers and functions of the equivalent bodies or persons of that diocese are to be exercised by the persons holding office in or as delegates of the PSC, or by the members or the secretary of the Board.

#### PART 2 – CODE OF CONDUCT

- 4. The Synod or the Archbishop-in-Council shall from time to time by resolution approve a Code of Conduct for observance by Church workers in the diocese.
- 5. The Archbishop-in-Council through the PSC and by such other means as may be considered appropriate shall take such steps as may be necessary or desirable to promote the knowledge, understanding and observance in this Church of any code of conduct applicable in the diocese.

#### PART 3 – THE PROTOCOL

- 6. (1) The Archbishop-in-Council shall from time to time consider and approve a protocol for implementation in relation to information.
- (2) The protocol must include:
  - (a) procedures for receiving information;
  - (b) the appointment, role and function of contact persons;
  - (c) provision for informing complainants and victims of alleged conduct the subject of information, and respondents, of rights, remedies and relevant procedures available to them;
  - (d) provision for assisting or supporting, as appropriate, all persons affected by alleged conduct the subject of information;
  - (e) an explanation of the processes for investigating and dealing with information;
  - (f) provisions for dealing fairly with respondents;
  - (g) processes for referral to mediation and conciliation in appropriate circumstances;
  - (h) processes for dealing with alleged process failure;
  - (i) provisions for regular information, reports, advice and recommendations to the Archbishop and any other relevant Church authority at each stage of the process of dealing with information;

- (j) procedures for working, where necessary, with law enforcement, prosecution or child protection authorities of the States and Territories and of the Commonwealth of Australia.
7. The Archbishop-in-Council through the PSC and by such other means as it may consider appropriate shall take such steps as may be necessary or desirable to promote throughout the community a knowledge and understanding of the protocol.

#### PART 4 – PROFESSIONAL STANDARDS COMMITTEE

8. There shall be a Professional Standards Committee for the diocese.
9. The members of the PSC shall be appointed and shall hold office on such terms and conditions as may be determined by the Archbishop-in-Council from time to time or in accordance with any Regulations of the Archbishop-in-Council.
10. (1) The PSC shall have at least three members one of whom shall be its convenor.
- (2) The membership of the PSC shall be constituted so as collectively to provide:
- (a) experience in law;
  - (b) experience in the ordained Ministry; and
  - (c) experience and appropriate professional qualifications in child protection, social work or counselling.
- (3) The PSC shall include at least one person who is not a member of this Church and so far as it is reasonably practicable shall have an equal number of men and women.
11. (1) The convenor of the PSC shall be appointed by the Archbishop-in-Council
- (2) The PSC may meet from time to time as determined by the convenor or a majority of its members and may conduct its business by telephone or electronic communication.
- (3) The procedures of the PSC shall be as determined by the PSC.
- (4) A majority of the members shall constitute a quorum.
- (5) A decision taken other than at a meeting of the PSC, if supported by a majority of members of the PSC, constitutes a decision of the PSC.
- (6) The PSC shall act in all things as expeditiously as possible.
12. An act or proceeding of the PSC is not invalid by reason only of a vacancy in its membership and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.

13. The Synod indemnifies any member or delegate of the PSC and the Director for any act or omission by the member or delegate, the PSC or the Director in good faith and in the exercise or purported exercise of powers or functions, or in the discharge or purported discharge of duties under this Canon.
14. The members of the PSC may constitute an equivalent body, either generally or for a particular case or matter.
15. Subject to the provisions of this Canon, the Director, a member of the PSC, a Church authority, or a person employed or engaged on work related to the affairs of the PSC must not divulge information that comes to his or her knowledge by virtue of that office or position except:
  - (a) in the course of carrying out the duties of that office or position;
  - (b) as may be authorised by or under this Canon;
  - (c) in any proceedings before a diocesan tribunal, a provincial tribunal or the special tribunal;
  - (d) pursuant to any lawful requirement of the police, any other proper authority, or a court of law; or
  - (e) to any insurer or insurance broker of a Church body or Church authority where the information may give rise to or be relevant to a claim for indemnity by the Church body or Church authority against the insurer or is relevant to obtaining or continuing insurance cover.
16. The PSC must disclose to an equivalent body relevant details of information in its possession concerning the alleged conduct of a Church worker:
  - (a) which is information that is relevant to, or arising during the course of, an investigation being undertaken by the PSC where the PSC knows that the Church worker is residing in the diocese of the equivalent body; or
  - (b) which is information concerning conduct alleged to have occurred in the diocese of the equivalent body;and shall co-operate with any equivalent body.
17.
  - (1) Subject to subsection (2), the PSC may release to the public such material as it may determine with respect to any information.
  - (2) In relation to a matter that is the subject of a reference to the Board the PSC shall make public such information concerning the matter as the Board may direct or approve.
18.
  - (1) Without disclosing the identity of any informant, complainant or the respondent, the PSC shall report annually to the Archbishop-in-Council on its activities for that calendar year.
  - (2) Notwithstanding subsection (1), the report of the PSC pursuant to that subsection may identify a respondent who has been exonerated from an allegation the subject of information or who has been the subject of a determination or recommendation by the Board.

- (3) The PSC shall, in respect of every matter with which it is dealing, report either orally or in writing to the Archbishop with such frequency and as fully as the Archbishop shall reasonably require.
19.
  - (1) Subject to sub-section (2), the PSC may delegate, upon such terms and conditions as the PSC may approve, any of its powers or functions under this Canon to any person.
  - (2) The PSC cannot delegate:
    - (a) its powers under subsection (1);
    - (b) its powers under section 30; or
    - (c) the power to refer a matter to the Board.
  - (3) A delegation under this Section must be made by instrument in writing signed by a member of the PSC.
20.
  - (1) Subject to the provisions of this Canon the PSC has the following powers and duties:
    - (a) to implement the protocol to the extent that the protocol is not inconsistent with this Canon;
    - (b) to receive information;
    - (c) to act on information in accordance with the provisions of this Canon, and the protocol to the extent that it is not inconsistent with this Canon;
    - (d) to appoint suitable persons to fulfil the several roles required to implement the protocol in each particular case;
    - (e) where appropriate, to arrange for the conciliation or mediation of any complaint the subject of information;
    - (f) to investigate information in a timely and appropriate manner;
    - (g) where appropriate, to recommend to the Archbishop-in-Council any changes to the protocol;
    - (h) subject to any limit imposed by the Archbishop-in-Council to authorise such expenditure on behalf of the Synod or the Church body as may be necessary to implement, in a particular case, the protocol and the provisions of this Canon;
    - (i) to advise any relevant Church authority or Church body as to the financial or other needs of a person affected by conduct the subject of information and as to any possible or actual legal proceedings against such Church body or Church authority arising out of the alleged conduct of a Church worker;
    - (j) to refer any information in its possession to a member of a law enforcement, prosecution or child protection authority of a State or Territory or of the Commonwealth of Australia to which the information is or may be relevant;



- (k) to maintain proper records of all information received and of action taken in relation to such information;
  - (l) to exercise such other powers and functions as are conferred on it by this or any other Canon.
- (2) The power and duty of the PSC to exercise its functions under this Canon arises in respect of:
- (a) conduct wherever it is alleged to have been engaged in by a Church worker resident or licensed in the diocese, or engaged by a Church authority;
  - (b) an omission, whenever it is alleged to have occurred, by a Church worker resident or licensed in the diocese, or engaged by a Church authority;
  - (c) conduct which is alleged to have occurred within the diocese wherever the Church worker involved in the alleged conduct may reside;
  - (d) conduct, wherever it is alleged to have been engaged in, or an omission, wherever it is alleged to have occurred, by a Church worker, wherever the Church worker may reside -
    - (i) in respect of or affecting a person resident in the diocese; or
    - (ii) that may affect a Church body or Church authority in the diocese, or Church property or property held in trust for the benefit of or in connection with the Church or a Church body in the diocese.

**PART 5 – DIRECTOR OF PROFESSIONAL STANDARDS**

21. (1) There shall be a Director of Professional Standards.
- (2) The Director shall be appointed by and shall hold office in accordance with a resolution or any Regulation of the Archbishop-in-Council.
22. The Director shall have the following functions:
- (a) to receive information on behalf of the PSC;
  - (b) to manage the implementation of the protocol in respect of any information;
  - (c) to be the executive officer of the PSC;
  - (d) to attend meetings of the PSC unless the PSC in respect of a particular meeting or part of a meeting otherwise determines;
  - (e) such other functions and duties as may be prescribed by this or any other Canon or as may be determined by the Archbishop-in-Council or the PSC.
23. The Director may act in a corresponding capacity for another diocese either generally or for a particular case or matter.

- 23A (1) There may be an Associate Director of Professional Standards.
- (2) The Associate Director shall be appointed by and shall hold office in accordance with a resolution or any Regulation of the Archbishop-in-Council.
- (3) The Archbishop-in-Council, after consulting with the Director if practicable, may by resolution or Regulation of Archbishop-in-Council delegate to the Associate Director any or all of the Director's powers or functions under this Canon on such terms and conditions as are set out in that resolution or Regulation.

#### PART 6 – INVESTIGATION OF INFORMATION

24. (1) A member of the Clergy and a Church authority in the diocese shall as soon as possible refer any information in his her or its possession or knowledge to a member of the PSC unless there are reasonable grounds to believe that the information is already known to the PSC.
- (2) This section does not affect the operation of the Canon Concerning Confessions 1989 of General Synod or any other canon or legislative instrument relating to confessions in force in the diocese.
25. Subject to this Canon, where the PSC considers that the subject matter of information constitutes examinable conduct it shall investigate the information.
26. (1) The PSC may, if it thinks it appropriate to do so, refer the subject matter of information, or the investigation of information, to an equivalent body or bodies.
- (2) When the PSC and an equivalent body or equivalent bodies have the power and duty to investigate information concerning the alleged conduct or omission of the same Church worker and the respective bodies cannot agree on:
- (a) which body shall carry out the investigation or any parts of such investigation; or
- (b) whether a question or questions specified in section 54 should be referred to the Board or to an equivalent body which has jurisdiction;
- then the PSC shall refer the disagreement for decision by the Director and the persons acting in a corresponding capacity for every other diocese acting together.
- (3) The PSC shall act in accordance with the unanimous decision of the persons referred to in subsection (2) or, if such persons cannot agree within a reasonable time of the disagreement being referred, in accordance with the decision of the Primate or a member of the House of Bishops appointed by the Primate.
- (4) In all matters affecting the operation of this Canon the PSC and the Director shall cooperate with and assist an equivalent body and a person acting in the corresponding capacity of the Director in another diocese.
- (5) In making a decision under subsection (2) the Director shall not be bound by the views or instruction of the PSC but shall take into account the most convenient course for all concerned and the proper and expeditious conduct of the investigation or referral as the case may be.

27. The PSC may refrain from further investigation of the information if:
  - (a) in its opinion, the allegations the subject of the information are false, vexatious or misconceived, or their subject matter is trivial;
  - (b) the subject matter is under investigation by some other competent person or body or is the subject of legal proceedings;
  - (c) the person making allegations of examinable conduct or a person affected by the conduct the subject of the information has failed to provide further particulars or to verify the allegations by statutory declaration; or
  - (d) in its opinion there is insufficient reliable evidence to warrant an investigation or further investigation.
28. For the purpose of an investigation the PSC or an investigator shall obtain such statutory declarations, written statements, recorded conversations, reports, documents and other material as the PSC or its delegate considers necessary or advisable for presentation to the Board.
29.
  - (1) The PSC may by notice in writing to a respondent require the respondent to provide a detailed report to the PSC within the time specified in the notice in relation to any matter relevant to the investigation.
  - (2) It is the obligation of a respondent:
    - (a) truthfully to answer any question put by or on behalf of the PSC in the exercise of powers conferred by this Canon;
    - (b) not to mislead the PSC or a member or delegate of the PSC;
    - (c) not unreasonably to delay or obstruct the PSC or a member or delegate of the PSC in the exercise of powers conferred by this Canon.
  - (3) If a respondent declines to answer a question on the ground that the answer might tend to incriminate the person a written record shall be made of the question and of the ground of refusal.
30. At any time after the PSC has commenced or caused to be commenced an investigation of information under this Part, it may, after giving the respondent an opportunity to be heard, recommend to the relevant Church authority one or more of the following:
  - (a) that the respondent should be suspended from the duties or office or employment by a Church body;
  - (b) that a prohibition order be made against the respondent.
31. The relevant Church authority is authorised to give effect to a recommendation made under section 30.

32. Before making a recommendation under section 30 the PSC shall take into account:
- (a) the seriousness of the conduct alleged in the information;
  - (b) the nature of the material to support or negate the allegations;
  - (c) whether any person is at risk of harm;
  - (d) after consultation with the relevant Church body or its representative, the effect on the respondent, a relevant Church body and on the Church in the diocese of acting and of not acting under section 30; and
  - (e) any other allegation of similar examinable conduct previously made to the PSC or to an equivalent body within the previous ten years;
- and may take into account any other relevant matter.
33. A suspension or prohibition order made by a Church authority pursuant to a recommendation under section 30 shall be terminated by the Church authority:
- (a) if the PSC terminates the investigation without referring the matter to the Board;
  - (b) upon any direction to that effect given by the Board; or
  - (c) upon the Church authority giving effect to a recommendation of the Board under section 69.
34. During a suspension or prohibition pursuant to the provisions of this Part or during a period when a person voluntarily stands down from a position while conduct the subject of information is dealt with under this Canon:
- (a) the respondent shall comply with the terms of any prohibition order;
  - (b) the respondent is ineligible for appointment to any position or function covered by any suspension or prohibition order;
  - (c) the relevant Church authority may fill the vacancy caused by any suspension or prohibition order, or while the respondent is standing down; and
  - (d) the respondent is entitled to whatever stipend, salary, allowances and other benefits that he or she would otherwise have received and which are to be met or reimbursed from funds under the control of the Synod.

#### PART 7 – PROFESSIONAL STANDARDS BOARD

35. There shall be a Professional Standards Board constituted and appointed in accordance with the provisions of this Part.
36. The members of the panel referred to in section 39 may constitute an equivalent body either generally or for a particular case or matter.

37. Subject to the provisions of this Canon the function of the Board is to inquire into and determine a question or questions referred to it pursuant to section 54 and questions within its jurisdiction referred to it by an equivalent body to the PSC and to make a determination referred to in section 69 and where appropriate to make a recommendation in accordance with the provisions of this Canon.
38. The Board has jurisdiction to exercise its functions in respect of a Church worker:
  - (a) resident or licensed in the diocese, or engaged by a Church authority; and
  - (b) not resident or licensed in the diocese nor engaged by a Church authority but whose conduct giving rise to the reference is alleged to have occurred in the diocese or whose omission giving rise to the reference is alleged to have occurred when the Church worker was resident or licensed in the diocese or was engaged by a Church authority.
39. The members of the Board in a particular case shall be appointed from a panel comprising:
  - (a) a President and a Deputy President, both of whom shall be persons who are eligible for appointment as lay members of the Appellate Tribunal;
  - (b) up to eight members of the clergy of at least seven years standing; and
  - (c) up to eight lay persons who may or may not be members of the Church and who have skills or qualifications appropriate for members of the Board.

A Board can be constituted under section 42 notwithstanding a vacancy or vacancies in the membership of the panel provided there are sufficient members to constitute a Board under section 42(2).
40. The members of the panel shall be appointed by the Archbishop-in-Council and shall hold office in accordance with a resolution or Regulation of the Archbishop-in-Council.
41. Any vacancy in the membership of the panel shall be filled by or in accordance with a resolution or Regulation of the Archbishop-in-Council.
42.
  - (1) The members of the panel to be convened for any reference to the Board shall be determined by the President or, if there is a vacancy in the office of President, by the Deputy President.
  - (2) For the purpose of any reference to the Board, the Board shall consist of –
    - (a) the presiding member who shall be the President, the Deputy President or another member of the panel who is eligible for appointment as a lay member of the Appellate Tribunal; and
    - (b) an equal number not exceeding two of clerical and lay members of the panel.
  - (3) Where possible, the Board shall include at least one man and at least one woman.
  - (4) Where, in the opinion of the President, or if there is a vacancy in the office of the President, in the opinion of the Deputy President a member of the panel has a personal interest in a matter before the Board the member shall be disqualified from participating in the reference.

- (5) For the purposes of this section a vacancy in the office of President includes a situation in which the President is not able to act because of a personal interest in a matter, illness or absence from the diocese.
43. The Rules of the Board made under this Part may provide that, in relation to the exercise of specified functions, or in relation to matters of a specified class, the Board may, at the direction of the presiding member, be constituted by a single member sitting alone.
44. If a member of the Board, other than the presiding member, dies or is for any other reason unable to continue with any matter referred to the Board, the Board constituted of the presiding member and the other member or members may, if the presiding member so determines, continue and complete the reference.
45. The Board, separately constituted in accordance with this Part, may sit simultaneously for the purpose of matters referred to it or for conducting separate business of the Board.
46. An act or proceeding of the Board is not invalid by reason only of a vacancy in its membership or of the membership of the panel and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of members of the panel or the Board, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.
47. The Synod indemnifies each of the members of the Board for any act or omission by the member in good faith and in the exercise of or purported exercise of powers or functions, or in the discharge or purported discharge of duties under this Canon.
48. (1) There shall be a secretary to the Board who shall be appointed by or in accordance with a resolution or Regulation of the Archbishop-in-Council, and whose duties shall be defined by the President.
- (2) The secretary to the Board may act in a corresponding capacity for another diocese either generally or for a particular case or matter.
49. (1) In any proceedings of the Board where the Board is constituted by two or more members:
- (a) any question of law or procedure will be determined by the presiding member; and
- (b) any other question will be determined by majority decision of the members, and in the case of an equality of votes the opinion of the presiding member shall prevail.
- (2) Where the Board is constituted by a member sitting alone who is not the President or the Deputy President, any question of law that arises must be referred to the President or Deputy President for decision and any decision made on such a reference is a decision of the Board.
- (3) The Board must act with fairness and according to equity, good conscience and the substantial merits of the case without regard to technicalities or legal forms and is not bound by the rules of evidence but may inform itself on any matter in such manner as it thinks fit.

- (4) Without limiting the meaning and effect of subsection (3), the Board may receive evidence of a witness in the form of an affidavit, statutory declaration or a signed statement without the need for the personal attendance of the witness, and may also use electronic means such as video link or conference telephone to receive evidence and submissions.
  - (5) The Board may inform itself from the record of any court or tribunal or commission of enquiry and may adopt any findings, and accept as its own, the record of any court or tribunal or commission of enquiry.
50. The Board may, for the purpose of any particular reference, appoint such person or persons, including the Director or a member of the PSC, to assist it in inquiring into (but not determining) that reference as the Board thinks fit. The Board may, for the purpose of any particular reference, appoint a person to act as a counsel assisting the Board to carry out any advocacy or advisory role that the Board may determine.
51. The Board must give reasons for any determination, other than by way of directions in the course of an inquiry, unless the determination is made by consent of the respondent.
52. (1) The Board has no power to award costs of any proceedings before it.
- (2) A Church worker in relation to whom a question is the subject of a reference to the Board may apply to the Archbishop-in-Council for the provision of legal assistance.
- (3) The Archbishop-in-Council may grant legal assistance to a Church worker on such terms and subject to such conditions as it shall determine.
53. (1) The President may make Rules of the Board reasonably required by or pursuant to this Canon and in relation to the practice and procedure of the Board.
- (2) Subject to this Canon and the relevant Rules, the practice and procedure of the Board will be as directed by the presiding member of the Board.

#### PART 8 – REFERENCE OF MATTERS TO THE PROFESSIONAL STANDARDS BOARD

54. (1) After investigation in accordance with section 25 or under a corresponding provision of a Canon of another diocese the PSC or an equivalent body may refer to the Board, or to an equivalent body which has jurisdiction, one or more of the following questions:
- (a) the fitness of a Church worker, whether temporarily or permanently to hold a particular or any office, licence or position of responsibility in the Church or to be or remain in Holy Orders or in the employment of a Church body;
  - (b) whether in the exercise of a Church worker's ministry or employment, or in the performance of any function the Church worker should be subject to certain conditions or restrictions.
- (2) The question or questions shall be referred to the Board by delivering to the secretary of the Board a written report of its investigation signed by a member of the referring body.

55. (1) Upon delivery of the report to the secretary of the Board, the President or Deputy President as the case may be shall as soon as possible determine the membership of the Board for the purpose of the reference.
- (2) The President or Deputy President as the case may require shall thereupon cause to be convened a sitting for the purpose of giving directions.
- (3) A person or body appearing or represented before the Board shall comply with the Rules of the Board and with any directions given by the Board.
56. Within 14 days of the date of the reference of a matter to the Board or within 14 days of the date of the document or material coming to existence, whichever is the later, the referring body shall cause to be delivered to the secretary of the Board any documents and material relevant to the reference.
57. The referring body, as soon as practicable after delivering the report referred to in section 54 to the secretary of the Board, shall cause a signed copy of the report to be delivered to the respondent.
58. The Board may at any time and from time to time give directions:
  - (a) as to the inspection by and supply of copies to the respondent or any other person of the documents or material relevant to the reference;
  - (b) as to the conduct of its inquiry into the reference.
59. The Board may at any time and from time to time give directions to the referring body as to any further inquiries or investigation it requires to be carried out for the purposes of the reference and the referring body shall to the best of its ability cause such directions to be carried out.
60. (1) The Board shall deal with any reference as expeditiously as possible.
- (2) The Board may, if it sees fit, proceed with the determination of a reference notwithstanding that there may be mediation or conciliation proceedings relating to the subject matter of the reference being conducted by or at the direction of the referring body and notwithstanding that there may be criminal or other proceedings being taken against the respondent or some other person.
61. (1) The place and time of sitting of the Board comprising two or more members shall be as determined by the presiding member.
- (2) The place and time of sitting of the Board comprising one member shall be as determined by that member.
62. (1) Subject to sub-section (2), the Board must give the following persons reasonable notice of the time and place of a sitting of the Board:
  - (a) the Director; and
  - (b) the respondent; and
  - (c) such other persons as the Board believes have a proper interest in the matter.



- (2) The Board is not obliged to give notice of a sitting to a person whose whereabouts cannot, after reasonable enquiries, be ascertained.
63. In any proceedings before the Board:
- (a) the referring body and any person may be represented by a legal practitioner or, with leave of the Board, by any other person;
  - (b) the referring body or its appointed representative shall do all in its power to assist the Board and shall carry out any directions of the Board;
  - (c) the Board:
    - (i) must give the referring body and the respondent a reasonable opportunity to call or give evidence, to examine or cross-examine witnesses and to make submissions to the Board; and
    - (ii) must give any other person to whom notice of the proceedings was given or who satisfies the Board that he or she has a proper interest in the matter a reasonable opportunity to make submissions to the Board.
64. (1) Subject to sub-section (2), a sitting of the Board on a reference before the Board is an open sitting.
- (2) On any such sitting before the Board, the Board has an absolute discretion:
- (a) to direct that no person other than:
    - (i) the respondent and any person representing him or her in the proceedings; and
    - (ii) witnesses or persons making submissions (while giving evidence or making those submissions); and
    - (iii) officers of the Board or persons assisting the Board; and
    - (iv) members of or persons appointed by the referring body,be present in the room while the Board is sitting; or
  - (b) to direct that a particular person (other than a person referred to in paragraph (a)) not be present in the room while the Board is sitting.
65. The Board may make a determination in any proceedings in the absence of a person affected by the determination if satisfied that reasonable efforts were made to give that person an opportunity to appear.
66. (1) The Board may require a respondent to submit within a specified time to a medical, psychiatric or psychological examination by a person approved by the Board the cost of which shall be met from funds under the control of the Synod of the diocese of the referring body.

- (2) A copy of the report of an examination under subsection (1) shall be provided to the respondent and to the Board.
67. The Board shall not, in the course of inquiring into any question:
- (a) inquire into any matter which is or has been the subject of any formal investigation or enquiry conducted:
    - (i) under or pursuant to any provision of the Constitution;
    - (ii) under or pursuant to a Canon of the General Synod, a Canon or an Ordinance of another diocese relating to the discipline of clergy or Church workers by a board of enquiry, tribunal or other body; or
    - (iii) with the authority of the bishop of a diocese resulting in a formal report to the bishop with findings and which concluded or was commenced prior to the date on which this Canon takes effect in the diocesebut may take into account the finding of any such formal investigation or enquiry.
  - (b) inquire into, make any findings in relation to or take into account any alleged breach of:
    - (i) faith of the Church, including the obligation to hold the faith;
    - (ii) ritual of the Church, including the rites according to the use of the Church and the obligation to abide by such use; or
    - (iii) ceremonial of the Church, including ceremonial according to the use of the Church and the obligation to abide by such use.
68. In making any determination the Board shall take into account:
- (a) the conduct of the Church worker as it finds it to have been;
  - (b) in the material before the Board, any other fact or circumstance relevant to the determination of the question or questions before it; and
  - (c) any failure of the Church worker to comply with a provision of this Canon or with a direction of the Board.
69. If, after investigating the question or questions referred to it about a Church worker, the Board is satisfied that:
- (a) the Church Worker is unfit, whether temporarily or permanently, now or in the future to hold a particular or any office licence or position of responsibility in the Church or to be or remain in Holy Orders or in the employment of a Church body; or
  - (b) in the exercise of a Church worker's ministry or employment or in the performance of any function, the Church worker should be subject to certain conditions or restrictions;
- the Board may determine accordingly and may:
- (c) recommend that the Church worker be counselled;

- (d) recommend that the Church worker be suspended from office or employment or from performing the function as the case may be for such period determined by the Board;
- (e) recommend to the Church authority that the licence or authority of the Church worker be revoked;
- (f) recommend to the relevant Church authority that the Church worker's contract of employment (if any) be terminated;
- (g) recommend to the relevant Church authority that the Church worker cease to hold any office then held;
- (h) recommend to the relevant Church authority that a prohibition order be made in terms specified by the Board;
- (i) recommend to the relevant Church authority that the Church worker's holding of office or employment or performance of the function as the case may be, shall be subject to such conditions or restrictions as the Board may specify;
- (j) recommend that the operation of a determination shall be suspended for such period and upon such conditions as the Board shall specify;
- (k) recommend that the Church worker should be deposed from Holy Orders;
- (l) make such other recommendation as the Board sees fit.

Note: Recommendations which may be made under paragraph (l) include participation in a conciliation or mediation; an apology; an admonition; retraining of a specified nature; reparation of a specified nature.

70. The Board shall cause a copy of each determination and recommendation to be provided:

- (a) to the relevant Church authority; and
- (b) to the respondent; and

shall cause relevant details to be forwarded for entry into the national register. Unless otherwise ordered by the presiding member and subject to any conditions the presiding member may order, the determination and recommendation provided to the relevant Church Authority and the respondent will be accompanied by a copy of any written reasons produced under section 51.

71. A relevant Church authority to whom a recommendation under this Canon or a recommendation made by an equivalent Board applies is empowered to give effect to a recommendation of the Board and of an equivalent body having jurisdiction to make a recommendation to the Church authority.

72. A person who has been deposed from Holy Orders in accordance with this Canon or in accordance with the provisions of any ordinance, act, canon, constitution, statute, legislative measure or provision of the general synod or the diocesan synod of another diocese of this Church;

- (a) is incapable of:
    - (i) officiating or acting in any manner as a bishop, priest or deacon of this Church;
    - (ii) accepting or holding an office in this Church capable of being held only by a person in Holy Orders;
  - (b) ceases to have any right privilege or advantage attached to the office of bishop priest or deacon;
  - (c) shall not hold himself or herself out to be a member of the Clergy; and
  - (d) is not capable of holding an office in the Church which may be held by a lay person without the prior consent of the Archbishop.
73. (1) The deposition of a person from Holy Orders by the Archbishop pursuant to the recommendation of the Board or an equivalent body shall be effected by the execution by the Archbishop of an Instrument of Deposition in or to the effect of the form in Schedule 1.
- (2) The Archbishop must forthwith:
- (a) register the Instrument in the Registry of the Diocese;
  - (b) deliver a copy of the Instrument to the Bishop of the Diocese in which the person who is the subject of the Instrument was ordained;
  - (c) deliver a copy of the Instrument to the Registrar of the Primate;
  - (d) cause relevant details to be forwarded for entry into the national register.
74. A relevant Church authority to whom this Canon applies shall cause relevant details to be forwarded for entry into the national register of any action taken in relation to a Church worker in accordance with a recommendation of the Board.

**PART 8A – REFERENCE OF CONVICTION OF CHURCH WORKER TO THE PROFESSIONAL STANDARDS BOARD**

- 74A If, during the course of carrying out their duties under this Canon, the Director of Professional Standards, the PSC, the Board or any other person receives a Certificate of Conviction of a Church worker, then:
- (1) If the person who receives the Certificate of Conviction is not the Director of Professional Standards, the person must immediately hand the Certificate of Conviction to the Director of Professional Standards;
  - (2) The Director of Professional Standards must immediately provide a copy of the Certificate of Conviction to the Secretary of the Board, stating that it is provided pursuant to this section;

- (3) Upon receipt of the Certificate of Conviction, the Secretary of the Board, the President or Deputy President as the case may be shall as soon as possible determine the membership of the Board for the purpose of making a recommendation under this part;
- (4) Subject to giving the Church worker opportunity to show cause, by such means as the Board may in its absolute discretion allow, the Board may make any of the recommendations referred to in section 69, and shall cause a copy of its recommendation to be provided:
  - (a) to the relevant Church authority; and
  - (b) to the respondent,and shall cause relevant details to be forwarded for entry into the National Register.
- (5) A relevant Church authority to whom a recommendation under this part is given is empowered to give effect to the recommendation.

74B A decision made under this part is not a “reviewable decision” for the purposes of section 74AA.

74C No action taken under this part shall, of itself, stay or preclude any act, proceeding, investigation or inquiry otherwise in progress or proposed under this Canon in respect of the Church worker to whom the Certificate of Conviction relates.

#### PART 8AA – REVIEW

74AA In this part, unless the context otherwise requires:

“reviewable decision” means a determination or recommendation of the Board which, if acted upon by the relevant Church authority, may have the effect of:

- (1) deposing the respondent from Holy Orders; or
- (2) terminating the respondent’s contract of employment, or removing or suspending the capacity of the respondent to gain income as a Church worker; and

“Reviewer” means a barrister of not less than 5 years standing appointed at the Director’s request by the President of the Bar Association of Queensland, or if the President is unwilling to appoint, or unreasonably delays doing so, appointed by the Chancellor.

74AB A respondent who is aggrieved by a reviewable decision may apply to the Director for a review of the decision.

74AC The application may be made on any one or more of the following grounds:

- (1) that a breach of the rules of natural justice happened in relation to the making of the reviewable decision which materially affected the decision;
- (2) that procedures that were required by this Canon to be observed in relation to the making of the reviewable decision were not observed, and the non-observance materially affected the decision;

- (3) that the Board did not have jurisdiction to make the reviewable decision;
- (4) that the reviewable decision was so devoid of any plausible justification that no reasonable Board could have made it; or
- (5) the availability of fresh and compelling evidence which, if available at the time, would be likely to have materially affected the Board's decision.

74AD For a reviewable decision, a Church authority shall not act under the provisions of clause 71 until the time for lodging an application for review has passed, and no application has been lodged.

74AE The making of an application for review acts as a stay of the reviewable decision pending determination by the Reviewer.

74AF Nothing in this part, however, affects the power of a Church authority to take any action against a respondent which would be open to the Church authority apart from its powers under this Canon.

74AG For a reviewable decision, the Board shall not cause the relevant details to be forwarded for entry into the national register under clause 70 until:

- (1) the time for lodging an application for review has passed, and no application has been lodged; or
- (2) where an application for review has been heard and determined, the determination has been made.

74AH If a determination on review confirms or varies a reviewable decision, then the Board must cause the details of the confirmed or varied decision to be forwarded for entry into the national register as soon as it receives the Reviewer's determination.

74AI If a Reviewer's determination refers a matter back to the Board, then the Board must:

- (1) determine to take no further action in respect of the matter; or
- (2) deal with the matter in accordance with Part 8 of this Canon, in accordance with such directions or recommendations as the Reviewer may make in the Reviewer's determination; or
- (3) deal with the matter in accordance with Part 8 of this Canon applying such of the provisions of Part 8 as, in the discretion of the Board and in accordance with the Reviewer's determination, the Board sees fit.

74AJ An application to the Director for review of the reviewable decision must be made within 14 days of the respondent's being provided with a copy of the Board's determination and recommendation under clause 70. The application for review must:

- (1) be in writing addressed to the Director; and
- (2) set out the grounds for review in the application.

74AK On receipt of an application for review, the Director must immediately seek the appointment of a Reviewer.

74AL Upon appointment of a Reviewer, the Director must ask the Reviewer for the Reviewer's estimate of the fee to be charged by the Reviewer in making a determination under this part. Upon receipt of advice as to the estimated fee, the Director must immediately notify the Respondent. Within 7 days of receipt of the Director's advice, the Respondent must pay one-half of the estimated fee to the Reviewer, or to a person nominated by the Reviewer. If the Respondent fails to make the payment, then the application for review will lapse.

74AM Unless otherwise specified in this Canon, the manner in which the review is to be conducted will be determined by the Reviewer.

74AN On an application for review of a reviewable decision, the Reviewer may make all or any of the following determinations:

- (1) a determination quashing or setting aside the reviewable decision;
- (2) a determination referring the matter to which the reviewable decision relates to the Board for further consideration, subject to such directions (including the setting of time limits for the further consideration, and for the steps to be taken in the further consideration) as the Reviewer determines;
- (3) a determination declaring the rights of the Respondent in relation to any matter to which the Reviewable decision relates;
- (4) a determination directing either the respondent or the Board, to do, or to refrain from doing, anything that the Reviewer considers necessary to do justice between the parties.

74AO The Reviewer may make such order as to the costs of the review as the Reviewer thinks fit.

74AP The review shall be by way of the review of the recommendation or determination that is the subject of the review and not by way of a re-hearing of the merits, or a hearing de novo.

#### PART 9 – REGULATIONS

75. The Archbishop-in-Council may from time to time make amend or repeal Regulations, not inconsistent with the provisions of this Canon, providing for records arising out of or incidental to the operation of this Canon, and for all or any of the purposes whether general or to meet particular cases, which may be convenient for the administration of this Canon or which may be necessary or expedient to carry out the objects and purposes of this Canon.

#### PART 10 – AMENDMENTS

76. The constitution and the canons set out in Schedule 2 are amended in the manner set out in Schedule 2.

**SCHEDULE 1**

[Section 73]

TO

I, ARCHBISHOP OF BRISBANE do by these presents hereby depose you from Holy Orders (particulars of which are set out below) in accordance with the recommendation of the Professional Standards Board of the Diocese of Brisbane.

**PARTICULARS OF HOLY ORDERS**

FULL NAME AND ADDRESS:

ORDAINING BISHOP

PLACE

DATE

ORDINATION AS DEACON:

ORDINATION AS PRIEST:

CONSECRATION AS BISHOP:

.....	.....	.....
.....	.....	.....
.....	.....	.....

DATED

SEALED

**SCHEDULE 2**

[Section 76]

1. The Church Institutions Canon is amended by adding the following new section:
  - "5A There shall be, from 1 January 2006, a provision in the constitution of any Church Institution providing that:
    - (1) the Church Institution acknowledges that it is a Church Body (as defined in the Professional Standards Canon); and
    - (2) the Church Institution will take such steps as the Archbishop-in-Council may from time to time prescribe to ensure that any person employed by it or holding a position or performing a function with the actual or apparent authority of the Church Institution is bound by and subjected to the provisions of the Professional Standards Canon."
  
2. Section 3 of the Licensing of Clergy Canon is repealed and the following new section is inserted:



- “3. (1) The licence held by a member of the Clergy appointed to a benefice in accordance with the provisions of the Parishes Regulations Canon or the Cathedral Canon may be suspended or revoked by the Archbishop:
- (a) following a sentence under and in accordance with the provisions of the Tribunal Canon; or
  - (b) in accordance with the provisions of the Benefices Avoidance Canon; or
  - (c) following a recommendation under and in accordance with the provisions of the Professional Standards Canon.
- (2) The licence held by a member of the Clergy who has not been appointed to a benefice may be suspended or revoked by the Archbishop for any cause which to him shall appear good and reasonable.”
3. Subsection (1) of Section 22 of the Parishes Regulation Canon is deleted and the following new subsection is inserted:
- “(1) In cases where the Archbishop institutes a priest to a vacant Benefice such priest shall be removable therefrom only:
- (a) following a sentence under and in accordance with the provisions of the Tribunal Canon; or
  - (b) in accordance with the provisions of the Benefices Avoidance Canon; or
  - (c) following a recommendation of the Professional Standards Board under and in accordance with the provisions of the Professional Standards Canon.”
4. Section 12 of the Cathedral Canon is amended by deleting subsection (2) and by the insertion of the following new subsection:
- “(2) The clergy holding such offices shall be removable therefrom only:
- (a) following a sentence under and in accordance with the provisions of the Tribunal Canon; or
  - (b) in accordance with the provisions of the Benefices Avoidance Canon; or
  - (c) following a recommendation of the Professional Standards Board under and in accordance with the provisions of the Professional Standards Canon.”
5. Section 9 of the Canons Interpretation Canon is amended by deleting therefrom the definition “Member of the Clergy” and inserting in its place the following new definition:
- “ “Member of the Clergy” or “Clergyman” or “Clergyperson” means:
- (a) a person ordained into Holy Orders as bishop, priest or deacon according to the rites and ceremonies of this Church; or

- (b) a person ordained into Holy Orders according to the rites and ceremonies of another Church whose Holy Orders have been recognized by a bishop of this Church by the granting of a licence by the bishop to the person; and

whose Holy Orders have not been lawfully relinquished or who has not been deposed from the Holy Orders in accordance with the Constitutions and Canons of this Church; and “person in Holy Orders” has a like meaning;”

6. The Constitution is amended:

- (a) in Section 7 by deleting the words “by the Synod or any Tribunal acting under the authority thereof” and by inserting in their place the words “pursuant to the provisions of any Canon”;
- (b) in Schedule 2 to the Constitution by deleting the words “if sentence requiring such resignation shall at any time be passed upon me, after examination had, by the Tribunal appointed under the Tribunal Canon” and by inserting in their place the words “in accordance with the provisions of any Canon now or hereafter in force”.

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**NOTES**

- 1. The *Professional Standards Canon 2004* was assented to on 20 June 2004.
- 2. By the *Professional Standards Canon 2004 Amendment Canon 2006* [assented to: 25 June 2006, in operation 24 August 2006] -  
Secs 1 and 2 were amended.
- 3. By the *Professional Standards Canon Amendment Canon 2008* [assented to: 22 June 2008]  
Sec 2(1) was amended.  
PART 8A (Secs 74A to 74P) was renumbered PART 8AA (Secs 74AA to 74AP)  
New PART 8A (Secs 74A to 74C) was inserted before renumbered PART 8AA.
- 4. By the *Professional Standards Canon Amendment Canon 2009* [assented to: 20 June 2009]  
Sec 39(c) was amended.  
Sec 69(1) was amended adding note.  
Sec 74AC was amended, new sec (5) inserted.
- 5. By the *Professional Standards Canon Amendment Canon 2015* [assented to: 28 June 2015]  
Sec 2(1) was amended.
- 6. By the *Professional Standards Canon (Associate Director) Amendment Canon 2016* [assented to: 19 June 2016]  
Sec 2(1) was amended.  
Sec 23A was inserted.  
Sec 74A was amended.
- 7. By the *Professional Standards Canon Amendment Canon 2018* [assented to: 6 October 2018]  
Secs 39, 42, 49(5), 50 and 70 were amended.

Anglican Church of Australia - Diocese of Brisbane

**Regulation under the Professional Standards Canon**

**REGULATION II  
APPOINTMENT AND TERMS AND CONDITIONS OF MEMBERS OF  
THE PROFESSIONAL STANDARDS BOARD**

made by the Archbishop-in-Council on 24 May 2018.

[Sections 40 and 75]

Whereas –

- The Diocese recognises the value in having long-term members of the panel from which the Professional Standards Board is formed;
- Members of the Professional Standards Board require secure positions of office given their role of making recommendations under the Professional Standards Canon as to whether a Church worker is fit for office;
- The effectiveness of the Professional Standards Board will be enhanced by achieving the right balance of continuity and renewal;

the Archbishop-in-Council now prescribes the following in relation to the appointment of members of the Professional Standards Board and associated panel.

**Interpretation**

1. In this Regulation -

“Deputy President” means the member of the Professional Standards Board appointed to be the Deputy President of the panel under section 39(a) of the Professional Standards Canon.

“General Manager” means the General Manager of the Anglican Diocese of Brisbane appointed in accordance with section 3(2) of the General Manager Canon 1992.

“Member” means a person appointed to the panel from which the Professional Standards Board is formed in accordance with section 40 of the Professional Standards Canon.

“President” means the member of the Professional Standards Board appointed to be the President of the panel under section 39(a) of the Professional Standards Canon.

“Professional Standards Board” except where otherwise specified, means both a specific Professional Standards Board formed to consider a particular matter under section 42 of the Professional Standards Canon, and the panel from which the Board is formed.

**Term of Office**

2. Subject to section 7, a Member will be appointed for a term of four years.
3. At the end of a term, Diocesan Council may re-appoint a Member for a further four year term subject to a maximum of twelve years.

**Termination of Appointment**

4. The Diocesan Council may at any time, at its discretion, terminate a Member's appointment upon one month's written notice to the Member.

**Resignation of Member**

5. A Member may resign from his or her office by giving at least one month's written notice to the General Manager, the President or the Deputy President.
6. The President or Deputy President may resign from his or her office by giving at least one month's written notice to the General Manager.

**Current Members**

7. Unless otherwise determined by the Diocesan Council, a current Member who (as at the date of this Regulation) has held office:
  - (a) for more than ten years, will continue in his or her office until 31 December 2019;
  - (b) for less than ten years, will continue in his or her office and be subject to sections 2 and 3.

Anglican Church of Australia - Diocese of Brisbane

**Regulations under the Professional Standards Canon**

**REGULATION I  
APPOINTMENT AND TERMS AND CONDITIONS OF MEMBERS OF  
THE PROFESSIONAL STANDARDS COMMITTEE**

made by the Archbishop-in-Council on 29 June 2017.

[Sections 9 and 75]

Whereas –

- The Diocese recognises the value in having long-term members of the Professional Standards Committee;
- Members of the Professional Standards Committee require secure positions of office given their role in determining under the Professional Standards Canon whether a Church worker should be referred to the Professional Standards Board;
- The effectiveness of the Professional Standards Committee will be enhanced by achieving the right balance of continuity and renewal,

the Archbishop-in-Council now prescribes the following in relation to the appointment of members of the Professional Standards Committee.

**Interpretation**

1. In this Regulation -

“Convenor” means the member of the Professional Standards Committee<sup>1</sup> appointed to chair the meetings of the Committee, in accordance with the Professional Standards Canon.

“General Manager” means the General Manager of the Anglican Diocese of Brisbane appointed in accordance with section 3(2) of the General Manager Canon 1992.

“Member” means a person appointed to the Professional Standards Committee in accordance with section 9 of the Professional Standards Canon.

**Term of Office**

2. Subject to section 7, a Member will be appointed for a term of four years.

3. At the end of a term, Diocesan Council may re-appoint a Member for a further four year term subject to a maximum of twelve years.

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<sup>1</sup> *Professional Standards Canon* sec 2(1) – “Professional Standards Committee” or “PSC” means the Professional Standards Committee established under Part 4.

**Termination of Appointment**

4. The Diocesan Council may at any time, at its discretion, terminate a Member's appointment upon one month's written notice to the Member.

**Resignation of Member**

5. A Member may resign from his or her office by giving at least one month's written notice to the General Manager and the Convenor.
6. The Convenor may resign from his or her office by giving at least one month's written notice to the General Manager.

**Current Members**

7. Unless otherwise determined by the Diocesan Council, a current Member who (as at the date of this Regulation) has held office:
  - (a) for more than twelve years, will continue in his or her office until 31 December 2019;
  - (b) for more than eight years, will continue in his or her office until 31 December 2021; or
  - (c) for less than eight years, will continue in his or her office and be subject to section 2.

Anglican Church of Australia - Diocese of Brisbane

**Regulation under the Professional Standards Canon**

**REGULATION II  
APPOINTMENT AND TERMS AND CONDITIONS OF MEMBERS OF  
THE PROFESSIONAL STANDARDS BOARD**

made by the Archbishop-in-Council on 24 May 2018.

[Sections 40 and 75]

Whereas –

- The Diocese recognises the value in having long-term members of the panel from which the Professional Standards Board is formed;
- Members of the Professional Standards Board require secure positions of office given their role of making recommendations under the Professional Standards Canon as to whether a Church worker is fit for office;
- The effectiveness of the Professional Standards Board will be enhanced by achieving the right balance of continuity and renewal;

the Archbishop-in-Council now prescribes the following in relation to the appointment of members of the Professional Standards Board and associated panel.

**Interpretation**

1. In this Regulation -

“Deputy President” means the member of the Professional Standards Board appointed to be the Deputy President of the panel under section 39(a) of the Professional Standards Canon.

“General Manager” means the General Manager of the Anglican Diocese of Brisbane appointed in accordance with section 3(2) of the General Manager Canon 1992.

“Member” means a person appointed to the panel from which the Professional Standards Board is formed in accordance with section 40 of the Professional Standards Canon.

“President” means the member of the Professional Standards Board appointed to be the President of the panel under section 39(a) of the Professional Standards Canon.

“Professional Standards Board” except where otherwise specified, means both a specific Professional Standards Board formed to consider a particular matter under section 42 of the Professional Standards Canon, and the panel from which the Board is formed.

**Term of Office**

2. Subject to section 7, a Member will be appointed for a term of four years.
3. At the end of a term, Diocesan Council may re-appoint a Member for a further four year term subject to a maximum of twelve years.

**Termination of Appointment**

4. The Diocesan Council may at any time, at its discretion, terminate a Member's appointment upon one month's written notice to the Member.

**Resignation of Member**

5. A Member may resign from his or her office by giving at least one month's written notice to the General Manager, the President or the Deputy President.
6. The President or Deputy President may resign from his or her office by giving at least one month's written notice to the General Manager.

**Current Members**

7. Unless otherwise determined by the Diocesan Council, a current Member who (as at the date of this Regulation) has held office:
  - (a) for more than ten years, will continue in his or her office until 31 December 2019;
  - (b) for less than ten years, will continue in his or her office and be subject to sections 2 and 3.



Anglican Church of Australia - Diocese of Brisbane

## **PARTICIPATION BY PERSONS OF CONCERN IN PARISHES CANON**

**A Canon to facilitate the implementation of the standards for safe ministry with a Person of Concern prescribed under the Safe Ministry to Children Canon 2017 of General Synod.**

### **Short Title**

1. This Canon may be cited as the “Participation by Persons of Concern in Parishes Canon”.

### **Interpretation**

2. In this Canon unless the context otherwise requires:
  - (1) “Safe Ministry Canon” means the Safe Ministry to Children Canon 2017 of General Synod and any amendments to that Canon adopted by this Diocese from time to time;
  - (2) “Persons of Concern Policy” means the policy from time to time identified in the Second Schedule to the Safe Ministry Canon;
  - (3) “Churchwarden” has the meaning as in the Parishes Regulation Canon and, includes “Cathedral Warden” as in the Cathedral Congregation Canon.
  - (4) Words and expressions defined in the Persons of Concern Policy and used in this Canon have the same meaning given to them in the Persons of Concern Policy.
  - (5) “Direction” means a direction made under the Persons of Concern Policy by the Archbishop (or other person authorised by the Persons of Concern Policy in consultation with the Archbishop) that a Person of Concern not participate in the life of the parish, and may include a prohibition from entering some or all of the property used by, or for the operation of, the Parish (the Specified Property).
  - (6) “Parish” includes the “Cathedral” as in the Cathedral Canon.

### **Authority to Exclude Persons of Concern from Church Property**

3. In any application of the Persons of Concern Policy which results in a Direction:
  - (1) The Archbishop or, at the Archbishop’s election, either the Minister or Churchwardens of the parish may issue a written notice to the Person of Concern containing the Direction.
  - (2) A Direction will be taken as given to a Person of Concern when the written notice is:

- a. delivered in person;
  - b. left at the person's last known residential address;
  - c. sent by pre-paid post to the person's last known postal address;
  - d. emailed to the person's last known email address; or
  - e. sent by text message to the person's last known mobile phone number.
4. Where a Direction is given to a Person of Concern, the Direction:
- (1) has the effect of prohibiting the Person of Concern from entering the Specified Property;
  - (2) will remain in force indefinitely unless and until it is revoked.
5. If a Person of Concern enters the Specified Property of the parish whilst a Direction remains in force, the Person of Concern will be deemed to be a trespasser.

**Archbishop's Authority to Exclude Persons of Concern**

6. Despite the terms of the Persons of Concern Policy, if at any time the Archbishop decides that a Direction should be given in the interests of protecting people in a Parish from the risk of harm from sexual abuse by a Person of Concern, the Archbishop may give a Direction without complying with the Process of Assessment or any other requirement under the Persons of Concern Policy.

Anglican Church of Australia – Diocese of Brisbane

## **PROVINCIAL REPRESENTATIVES CANON 2001**

**A Canon to make provision for the appointment of diocesan representatives to Provincial Synod and Provincial Council and for another purpose.**

### **Short Title**

1. This Canon may be cited as the “Provincial Representatives Canon”.

### **Commencement**

2. This Canon comes into operation on the date on which the General Synod Canon comes into effect.

### **Interpretation**

3. In this Canon unless the context or subject matter otherwise requires or indicates -

“General Synod Canon” means a canon passed by the 2001 session of the General Synod ratifying the alteration of the Constitution of the Province consented to by the Provincial Constitution Consenting Canon, 2000;

“Province” means the Province of Queensland;

“Provincial Council” means the Provincial Council established pursuant to the Constitution and Canons of the Province;

“Provincial Synod” means the Synod of the Province established pursuant to the Constitution and Canons of the Province.

### **Repeal**

4. The following Canons are repealed –
  - (a) Provincial Synod Legislation Canon;
  - (b) Provincial Synod Representatives Canon.

### **Appointment of Provincial Council Representatives**

5. The Archbishop-in-Council shall appoint, at such times as it shall determine, such number of persons to represent the Diocese at Provincial Council as the Archbishop-in-Council shall

determine not exceeding the number which the Diocese is entitled to appoint pursuant to the Constitution and Canons of the Province.

**Appointment of Provincial Synod Representatives**

6. At the meeting of the Archbishop-in-Council immediately following the issue of a mandate for convening a session of the Provincial Synod, and at such other times as the Archbishop-in-Council shall determine, the Archbishop-in-Council shall appoint such number of representatives to Provincial Synod as it shall determine not exceeding the number which the Diocese is entitled to appoint pursuant to the Constitution and Canons of the Province.

**Qualification**

7. The representatives of the Diocese to Provincial Council and Provincial Synod must be members of this Church resident in the Diocese and shall hold office until their successors are appointed. However the office of a representative shall become vacant if the member -
  - (a) dies; or
  - (b) ceases to be a member of this Church; or
  - (c) ceases to reside in the diocese; or
  - (d) (in the case of a representative to Provincial Synod) ceases to be qualified to be a member of the House of Provincial Synod for which the member was appointed; or
  - (e) is removed by resolution of the Archbishop-in-Council.

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**NOTES**

1. The *Provincial Representatives Canon* was assented to on 23 June 2001 and came into operation on 21 July 2001.
2. The Diocese of Brisbane is entitled to be represented in Provincial Synod by 8 clerical and 8 lay people, and in Provincial Council by half of that number.

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Anglican Church of Australia - Diocese of Brisbane

## **PROVINCIAL SYNOD LEGISLATION CANON 2010**

**A Canon to adopt Canons of Provincial Synod in cases where such adoption is required before a Provincial Synod Canon comes into effect in the Diocese.**

The Archbishop, Clergy and Laity of the Diocese of Brisbane assembled in Synod prescribe –

### **Short Title**

1. This Canon may be cited as the "Provincial Synod Legislation Canon 2010".

### **Interpretation**

2. In this Canon unless the context otherwise requires:

"Province" means the Province of Queensland.

"Provincial Synod" means the Synod of the Province established pursuant to the Constitution and Canons of the Province.

### **Canons of Provincial Synod adopted**

3. The Diocese adopts the Canons of Provincial Synod set out in schedule 1.

## **SCHEDULE 1**

The Canons Interpretation Canon (Provincial Synod) Amendment Canon 2009

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### **NOTES**

1. The *Provincial Synod Legislation Canon 2010* was assented to on 19 June 2010.

Anglican Church of Australia - Diocese of Brisbane

## **SCHOOLS REGULATION CANON**

**A Canon to provide for the regulation, control and management of the schools of the Diocese.**

### **Short Title**

1. This Canon may be cited as the "Schools Regulation Canon".

### **Interpretation**

2. In this Canon unless the context or subject matter otherwise requires or indicates -  
  
"School" means and includes all schools, the ownership of which is vested in The Corporation of the Synod of the Diocese of Brisbane, or held by trustees in trust for the same.

### **Control and Management of Schools**

3. (1) The general control and management of all Schools shall vest in the Synod.  
(2) The Archbishop-in-Council when the Synod is not in session may subject to any general or special direction of Synod exercise any power or authority of Synod which the Synod, when in session, may exercise.  
(3) Notwithstanding anything hereinbefore contained, the financial control of the Schools shall be subject to the powers vested in the Property and Finance Board.  
(4) Without limiting the generality of the foregoing provisions, the Synod shall have the control and management of -
  - (a) the general educational policy of the Schools;
  - (b) religious education in any School;
  - (c) the appointment and removal of the Principal of any School.

### **Delegation of management and control**

4. The Synod may delegate any of its powers of management or control to any committee or to any Principal.

**Constitutions for Schools**

5. The Synod may adopt, amend or repeal constitutions for the Schools.

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Anglican Church of Australia - Diocese of Brisbane

## **SERVICE BOOK CANON 1996**

### **A Canon to regulate the use of Service Books.**

Be it declared and established by the Archbishop, Clergy and Laity of the Diocese of Brisbane in Synod assembled as follows -

#### **Short Title**

1. This Canon may be cited as the "Service Book Canon 1996".

#### **Interpretation**

2. In this Canon unless the context or subject matter otherwise requires or indicates -

"Book of Common Prayer 1662" means the Book of Common Prayer as received by the Church of England in the dioceses of Australia and Tasmania before and in the year of our Lord one thousand nine hundred and fifty-five, that is to say, the book intitled "The Book of Common Prayer and Administration of the Sacraments and other rites and ceremonies of the Church according to the use of the Church of England together with the Psalter or Psalms of David pointed as they are to be sung or said in churches and the form or manner of making ordaining and consecrating of bishops, priests and deacons" and generally known as the Book of Common Prayer 1662;

"Service Book" means a book referred to in the Schedule.

#### **Assent to the use of a Service Book**

3. (1) A Service Book is available for use at services conducted in a Parish if at an Annual Meeting of Parishioners, or at a Special Meeting convened pursuant to the provisions of the Parishes Regulation Canon, a majority of those Parishioners who are Electors present and voting at the meeting assent to its use.
- (2) A Service Book is available for use in the Cathedral Church of St John the Evangelist if at a meeting of the Cathedral Chapter a majority of members present and voting at the meeting assent to its use.
- (3) A Service Book is available for use at services conducted in a school or college owned by the Church if the principal or warden of the school or college assents to its use.



**Book of Common Prayer 1662**

4. Nothing in this Canon affects the use of the Book of Common Prayer 1662 in accordance with the Constitution of the Anglican Church of Australia.

**Repeal**

5. The Australian Prayer Book Canon is repealed.

**SCHEDULE**

[Section 2]

An Australian Prayer Book for use together with The Book of Common Prayer 1662, 1978 - being the prayer book defined in and authorized for use by the Australian Prayer Book Canon 1977 of General Synod.

A Prayer Book for Australia for use together with the Book of Common Prayer (1662) and An Australian Prayer Book (1978), Liturgical Resources authorized by the General Synod - being the prayer book defined in and authorized for use by the Prayer Book for Australia Canon 1995 of General Synod.

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**NOTES**

1. The *Service Book Canon 1996* was assented to on 23 June 1996.

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Anglican Church of Australia - Diocese of Brisbane

## **SPECIAL MINISTRY CANON 1995**

### **A Canon to promote and regulate special ministries and to repeal the Mission and Service Canon.**

Be it declared and established by the Archbishop, Clergy and Laity of the Diocese of Brisbane in Synod assembled as follows -

#### **Short Title**

1. This Canon may be cited as the "Special Ministry Canon 1995".

#### **Interpretation**

2. In this Canon unless the context or subject matter otherwise requires or indicates -

"Committee" means a committee appointed in accordance with the provisions of this Canon;

"Special Ministry" (without limiting the generality of the words) includes -

- (a) chaplaincies,
- (b) Christian education,
- (c) communication and the communication media,
- (d) development of ministries in new areas,
- (e) evangelism,
- (f) extra-parochial ministries,
- (g) ministries to special groups of people,
- (h) stewardship,

but does not include community welfare and social justice, as dealt with in the Anglicare Canon, and does not include matters dealt with in the Ministry Education Canon, or agencies, committees or endeavours designated by the Archbishop-in-Council as coming within the scope of the objects of the Commission constituted under that Canon;

"Stipendiary Officer" means a person employed on a full time or a part time basis with managerial, supervisory or executive duties for an area of Special Ministry which is the responsibility of a Committee.

#### **Repeal**

3. The Mission and Service Canon ("Previous Canon") is repealed and this Canon is enacted in substitution for the Previous Canon.

**Archbishop-in-Council may regulate Special Ministry**

4. Subject to any general or specific directions of the Synod, the Archbishop-in-Council may regulate, direct and provide for, in such manner as the Council considers necessary or expedient, any Special Ministry within the Diocese and in any agency of the Church in the Diocese.

**Appointment of Committees**

5. The Archbishop-in-Council may appoint Committees to be responsible for the promotion, supervision and support of one or more Special Ministries, and may from time to time define the area of work and responsibility of a Committee.

**Composition of Committees**

6.
  - (1) The members of each Committee shall be appointed at the meeting of the Archbishop-in-Council held next after the annual session of Synod and shall hold office until their successors are appointed except as hereinafter provided.
  - (2) The Archbishop-in-Council may at any time appoint further persons to be members of a Committee, to hold office until the meeting of the Archbishop-in-Council held next after the annual session of Synod.
  - (3) In each Committee, at least one member appointed by the Archbishop-in-Council shall be a member of the Council.
  - (4) In each Committee, there shall be at least two Licensed Clergy and two members of the laity being Members of this Church.
  - (5) Any Stipendiary Officer working under the supervision of or in association with a Committee shall be a member of that Committee, but without a vote.
  - (6) The Chairman of each Committee shall be appointed by the Archbishop from among the appointed members of the Committee.

**Vacancy on Committees**

7. Any appointment as a member of a Committee may be revoked by the Archbishop-in-Council at pleasure, and shall expire if the person so appointed resigns in writing to the Archbishop.

**Responsibilities of Committees**

8. The responsibilities of each Committee shall include -

- (a) to meet at the discretion of the Chairman, and as the Committee may itself determine, and when required to do so by the Archbishop-in-Council;
- (b) to prepare draft budgets, being an estimate of income and expenditure for the work for which the Committee is responsible;
- (c) to take such actions, subject to the Constitution and the Canons, as it considers necessary for the estimate of expenditure to be adhered to and for the estimate of income to be achieved in any budget approved by the Synod, the Archbishop-in-Council or the Property and Finance Board;
- (d) to report the proceedings of each Committee meeting to the next succeeding meeting of the Archbishop-in-Council;
- (e) to report to the annual session of Synod.

### **Appointment of Stipendiary Officers**

- 9. (1) The Archbishop-in-Council may appoint Stipendiary Officers within an area of Special Ministry after consultation with the Committee which has responsibility for that area of Special Ministry, on such terms and conditions as shall be approved by the Council and the Property and Finance Board.
- (2) Where a Stipendiary Officer to be appointed is a Member of the Clergy the Archbishop may license that person for the duties for which the person is appointed under the provisions of the Licensing of Clergy Canon.

### **Special Ministry Fund**

- 10. (1) There shall be a fund to be called the "Special Ministry Fund" in continuance of the Diocesan Mission and Service Fund created by the Previous Canon together with all monies received by the Diocese for the purposes of Special Ministry and for the purposes of the Home Mission Fund previously created by resolution of Synod, and such other monies as the Synod or the Archbishop-in-Council may direct shall be credited to the Fund.
- (2) The monies held to the credit of the Special Ministry Fund shall be applied so far as the same shall extend for the purposes of Special Ministry.
- (3) At each annual session of Synod a statement of receipts and disbursements of the Special Ministry Fund and of money held by or for any Committee shall be tabled.

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## **NOTES**

- 1. The *Special Ministry Canon 1995* was assented to on 19 June 1995.

2. By the *Ministry Education Canon* [assented to: 23 June 2001] -  
Sec 2 was amended.
3. By the *Treasurer (Abolition of Office) Canon 2013* [assented to: 22 June 2013]  
Sec 10(3) was deleted and a new sec 10(3) inserted.

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Anglican Church of Australia - Diocese of Brisbane

## **ST. JOHN'S COLLEGE CANON**

**A Canon to provide for a Constitution for St. John's College within the University of Queensland.**

### **Short Title**

1. This Canon may be cited as the "St. John's College Canon".

### **Constitution for St. John's College**

2. The Constitution of St. John's College within the University of Queensland shall be the Constitution set out in the Schedule to this Canon until the said Constitution is repealed, altered or amended by Canon.

**SCHEDULE****CONSTITUTION FOR ST. JOHN'S COLLEGE****I Name**

The name of the College is the College of St John the Evangelist, commonly known as St John's College.

**II Objects**

- (a) The College is founded as an Anglican College affiliated with the University of Queensland in mutual relationship for the purpose of giving students the benefits of College life and of making fuller provision for their pastoral care, guidance, discipline and instruction so as to advance their spiritual, moral and intellectual development. The College shall at all times be governed so as to be a place of education, religion, learning and research.
- (b) The assets and income of the College shall be applied solely in furtherance of the above mentioned objects and no portion shall be distributed directly or indirectly by way of profit or gain to the Corporation or its members except as bona fide compensation for services rendered or expenses incurred on behalf of the College.

**III The St John's College Council**

- 1. There shall be a Council of the College (hereinafter referred to as the Council) consisting of:-
  - (a) The Archbishop of Brisbane, who shall be President of the College and a member ex officio.
  - (b) The Warden.
  - (c) Three members, to be appointed by the Diocesan Council, who shall hold office for not more than three years.
  - (d) Two members to be appointed by the Archbishop for such period as he may determine, but for not more than three years.
  - (e) Two members to be appointed by and from the Old Johnians' Association, who shall hold office for not more than three years.
  - (f) One member appointed by the Senate of the University of Queensland.
  - (g) Three members to be appointed by the College Council.

2. Whenever a vacancy shall occur in the Council, among the members appointed by the Diocesan Council, the said vacancy shall be filled by the election of a new member by the Diocesan Council. Any other vacancy shall be filled by an appointment in the same manner as the original appointment. Any such appointee shall hold office for the balance of the term of the former member only.
3. All members of the Council shall be eligible for reappointment.
4. Seven members of the Council shall form a quorum. Each member shall have one vote, and the Chair may exercise a casting vote.
5. The Council shall meet at least three times every year, but a meeting shall be held at any time at the written request of five members of the Council. The Chair of the Council or the Warden may also convene a meeting of the Council whenever he or she may think fit.
6. Subject to the provisions of “The Church of England Act of 1895”, and “The Church of England Act of 1895 Amendment Act of 1901” and the Constitution and Canons of the Diocese of Brisbane and subject to any general or special direction of Synod or of the Diocesan Council or of the Property and Finance Board from time to time given, the Council shall:-
  - (a) appoint a Chairperson from amongst its members who shall hold office for three years;
  - (b) have the power to appoint an Executive Committee and to define the power of such Executive Committee and to appoint such other committees as it deems necessary to exercise powers delegated by the Council;
  - (c) govern the affairs of the College and provide for the maintenance and protection of the property thereof;
  - (d) determine, after consultation with the Warden, the budgets of the College and approve financial reports and the audited annual accounts of the College and cause an accurate record to be kept of all determinations of the Council;
  - (e) consult with, and advise, the Warden as to the conduct of the College and the welfare of its students;
  - (f) receive, from the Warden, regular reports as to the general progress and conduct of the College;
  - (g) have power to make By-laws and Rules and, in particular, to define a code of conduct within the College.

#### **IV The Warden**

1. The Warden shall be a person in Holy Orders or a communicant layperson of the Anglican Church of Australia or of a Church within the Anglican Communion, and a



graduate of the University of Queensland or of some other University recognised by the University of Queensland.

2. The appointment of the Warden shall be subject to ratification by the Archbishop-in-Council of the Diocese of Brisbane on the recommendation of the College Council.
3. The Warden shall be appointed on such terms and conditions in all respects as the College Council may determine subject to ratification of the Archbishop-in-Council and to the Canons of the Synod of the Diocese of Brisbane.
4. The Warden shall be responsible to the Council for the efficient conduct and administration of the affairs of the College subject to the provisions of the Property and Finance Canon and all other Canons from time to time of the Diocese of Brisbane, and shall make such appointments and have control over the staff and members of the College as he or she considers right to assist in the management of the college in order to ensure pastoral care and to maintain discipline and promote academic excellence among those resident in the College.

## **V Worship**

If the Warden is not a priest, then there shall be a person in priest's orders appointed to lead worship in the College according to Anglican forms and to assist in the pastoral care of students and staff.

## **VI Membership of the College**

The Warden may admit as members of the College –

- (i) any graduate or undergraduate student accepted by the University of Queensland for programmes at that University or other persons who are engaged in tertiary study,
- (ii) any graduate or member of the academic staff of the University of Queensland,
- (iii) any graduate of a University recognised by the University of Queensland who agrees to assist in the teaching or administration of the College.

## **VII Property**

The Corporation holds the land on which the College is situated as trustee for The University of Queensland on the trusts set out in the Nomination of Trustees dated the fifth day of July, 1956 pursuant to which the land was transferred to the Corporation.

## **VIII Winding Up**

In the event that the College ceases to function for the purposes hereinbefore set out, the real estate assets held by the Corporation for the purposes of the College will be dealt with by the Corporation in accordance with the trusts hereinbefore mentioned and any remaining assets will be used by the Corporation for similar purposes or transferred to another organisation

with similar purposes which is not carried on for the purpose of benefit or gain of its members.

**IX The Senate of the University of Queensland**

Any repeal, alteration or amendment of this Constitution is effective only if approved by the Senate of the University.

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**NOTES**

1. The *St. John's College Canon* is part of Schedule 2 of the *Consolidating Canon 1990* [assented to: 12 June 1990].
2. The *St. John's College Canon Amendment Canon 2003* repealed the Constitution set out in the Schedule to the 1990 Canon and substituted a revised Constitution.

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Anglican Church of Australia - Diocese of Brisbane

## **SUPERANNUATION CANON**

### **A Canon regulating the superannuation of Clergy, Lay Ministers and Lay Employees.**

The Archbishop, Clergy and Laity of the Diocese of Brisbane assembled in Synod prescribe –

#### **Short Title**

1. This Canon may be cited as the “Superannuation Canon”.

#### **Repeal**

2. (1) The Superannuation Canon 2000 (“Previous Canon”) is repealed.  
(2) A reference to the Previous Canon or to the “Superannuation Canon” in any canon, regulation, rule or agreement made prior to the passing of this Canon shall be interpreted to mean, so far as the context or subject matter may permit, a reference to this Canon.  
(3) The Diocesan Governance Canon is amended in Schedule 1, Part B, item 10, by deleting “Superannuation Canon 2000, except Section 6” and substituting “Superannuation Canon”.

#### **Interpretation**

3. In this Canon unless the context otherwise requires or indicates -

“Act” means the Superannuation Industry (Supervision) Act 1993 (Cth), the Superannuation Guarantee Charge Act 1992 (Cth) and the Superannuation Guarantee (Administration) Act 1992 (Cth) and the respective regulations for each of these Acts as they may be amended from time to time, any other federal or state statute or law governing the operation of superannuation funds in Australia, and any ordinance ruling or determination issued by a responsible authority under the terms of such Acts, statute or law.

“Employer” has the meaning assigned to that term in the Act and includes the following who are deemed only for the purposes of this Canon to be employers: the Corporation and (without limiting the generality thereof) its committees, boards, commissions, foundations, Parishes and all organizations and institutions of any nature which may from time to time be brought into existence by the Synod or by the Archbishop-in-Council.

“Member” means Licensed Clergy, Licensed Lay Minister and Lay Employee who is a member of a Superannuation Fund.

“Minimum Rate of Stipend” (“MRS”) means the minimum rate of full time stipend for Parish Priests, Assistant Clergy and Stipendiary Lay Ministers as prescribed from time to time by the Archbishop-in-Council pursuant to the Parishes Regulation Canon.

“Stipendiary Lay Minister” has the meaning attributed to it in section 3(1) of the Parishes Regulation Canon.

“Superannuation Fund” means a “complying superannuation fund” within the meaning of the Act or a “regulated self-managed superannuation fund” approved by the Australian Taxation Office.

#### **Clergy, Lay Ministers and Lay Employees to be members of a Superannuation Fund.**

4. (1) All Licensed Clergy, Lay Ministers and Lay Employees shall (subject to this section) be or become members of a Superannuation Fund.
- (2) Licensed Clergy, Lay Ministers and Lay Employees whose level of remuneration or age is such that their Employer would not be required under the Act to make contributions to a Superannuation Fund are not required to be members of a Superannuation Fund.
- (3) All Licensed Clergy, Lay Ministers and Lay Employees are entitled to become members of the Anglican Diocese of Brisbane Superannuation Plan.

#### **Contributions by Members.**

5. (1) All Members must contribute to the Superannuation Fund of which they are members in accordance with the rules of that fund.
- (2) Contributions payable by Members to that Superannuation Fund shall be deducted from their stipends and salaries by the Parish Council, Treasurer or other person or persons by whom the stipends or salaries are payable, prior to any payment of stipend or salary to the Member.
- (3) Members may arrange for their contributions to be deducted by way of salary sacrifice arrangement from their stipend or salary in which event the Employer contributions payable to the Fund shall be increased accordingly.
- (4) Any such deductions from the stipend or salary of a Member shall be remitted by the person or persons who make the deductions to the Member’s Superannuation Fund by regular payments as required by the Act.

- (5) The rate of contributions payable by Stipendiary Licensed Clergy and Stipendiary Lay Ministers who are receiving at least the MRS shall be not less than the rates prescribed in the following table:

Year	Contribution
From 23 June 2013	6% of MRS
From 1 October 2013	4% of MRS
From 1 October 2014	2% of MRS
From 1 October 2015	Nil

- (6) Any contribution by part-time, casual and locum Members shall be voluntary except where the rules of their Superannuation Fund or Plan requires prescribed contributions in which case the Member must comply with that requirement.

#### **Contributions by Employers.**

6. (1) Employers of Licensed Clergy and Licensed Lay Ministers who are receiving at least the MRS shall make a contribution to the Member's Superannuation Fund at a rate not less than the rates prescribed in the following table:

Year	Contribution
From 23 June 2013	11% of MRS
From 1 October 2013	13% of MRS
From 1 October 2014	14% of MRS
From 1 October 2015	15% of MRS

- (2) Employers of part-time, casual and locum Licensed Clergy and Licensed Lay Members shall make a contribution to the Member's Superannuation Fund at a rate not less than the rates prescribed in the following table when they qualify for contributions under the Superannuation Guarantee (Administration) Act 1992 as amended:

Year	Contribution
From 23 June 2013	11% of MRS
From 1 October 2013	13% of MRS
From 1 October 2014	14% of MRS
From 1 October 2015	15% of MRS

- (3) Employers of Lay Members shall make a contribution to the Member's Superannuation Fund at a rate not less than that required by the Superannuation Guarantee (Administration) Act 1992 as amended."
- (4) Contributions payable by Employers shall be remitted to the Member's Superannuation Fund by regular payments as required by the Act.

**Variations in contribution rates.**

7. (1) The rate of contributions payable by Members and by Employers may be varied in an individual case or for a class of Members or for all Members by the Diocesan Services Commission.
- (2) In the case of Licensed Clergy and Licensed Lay Ministers receiving at least the MRS, the Diocesan Services Commission must ensure that the sum of the contributions payable by a Member and by the Member's Employer is at least 15% of MRS, or any higher amount if required under the Act.

**Reports.**

8. The Diocesan Services Commission may require such reporting as it considers appropriate from Employers as to their compliance with this Canon and as to the compliance of Members who receive stipends from them.

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**NOTES**

1. The *Superannuation Canon* was part of Schedule 2 of the *Consolidating Canon 1990* [assented to: 12 June 1990].
2. By the *Superannuation Canon Amendment Canon 1991* [assented to: 19 June 1991] - Secs 3, 7, 48, 49, 50 and 52 were amended.
3. The *Superannuation Canon 1992* [assented to: 25 June 1992] repealed the previous canon.
4. By the *Superannuation Canon Amendment Canon 1993* [assented to: 24 June 1993] - Secs 2, 4, 83, 86, 87 and 130 were amended.  
Sec. 88 was deleted.  
Part XII [secs 151 to 154] was inserted.
5. The following sections of the *Superannuation Canon 1994* [assented to: 19 June 1994] came into operation on 19 June 1994 -  
Secs 1, 2, 4, 5, 6, 7, 8, 10 and 11.  
The remaining sections of the *Superannuation Canon 1994* came into operation on 26 October 1994, on which date the Trust Deed was executed in accordance with sec. 11. Pursuant to sec. 3, the *Superannuation Canon 1992* was repealed on that date.
6. By the *Triennial Synod Canon 1998* [assented to: 20 June 1998] -  
Sec. 9 was amended.

7. The following Parts of the *Superannuation Canon 2000* [assented to: 26 June 2000] came into operation on 26 June 2000 -  
Part I [secs 1 to 4]  
Part II [secs 5 to 7].  
The following Parts came into operation on 1 December 2000, on which date the *Superannuation Canon 1994* as amended was repealed –  
Part III [secs 8 to 18]  
Part IV [secs 19-21].
8. The *Superannuation Canon 2006* [assented to: 25 June 2006] repealed the previous canon.
9. By the *Superannuation Canon Amendment Canon 2010* [assented to: 19 June 2010] –  
Subtitle, secs 3, 4, 5, 6 and 7 were amended.
10. By the *Superannuation Canon Amendment Canon 2013* [assented to: 22 June 2013] –  
Secs 5, 6 and 7 were amended.

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Anglican Church of Australia - Diocese of Brisbane

## **SYNOD CANON**

**A Canon relating to the composition, the meetings, the officers and the seal of Synod, and to the records of the Church.**

### **Short Title**

1. This Canon may be cited as the "Synod Canon".

### **Composition of Synod**

2. (1) The Synod shall consist of the following persons -
  - (a) the Archbishop;
  - (b) the Chancellor;
  - (c) the Deputy Chancellor;
  - (d) the Chairman of Committees;
  - (e) the Registrar;
  - (f) the licensed clergy of the diocese as hereinafter defined;
  - (g) certain lay persons elected as hereinafter provided to represent the several parishes in the diocese;
  - (h) any advisers or members of a committee of advice appointed by the Archbishop as provided in the Diocesan Council Canon;
  - (i) any lay persons appointed by the Archbishop as hereinafter provided in this Canon;
  - (j) two representatives of each school which is defined from time to time as a "School" in the Diocesan Governance Canon, who are Electors, that is to say –
    - (i) the principal of the school, provided that in a case where the principal is not qualified to be a member of Synod, the School Council or similar body may appoint for that session of Synod a member of the staff of the school who is duly qualified; and
    - (ii) the chair of the governing body of the school, provided that in a case where the chair is not qualified to be a member of Synod, the School



Council or similar body may appoint for that session of Synod a member of the governing body of the school who is duly qualified;

- (k) the Warden for the time being of St. John's College within the University of Queensland, provided that being a member of the laity the Warden is a communicant member of this Church;
  - (l) two representatives of the Community Services Commission who are Electors, that is to say –
    - (i) the Chair of the Commission, provided that in the case where the Chair is not qualified to be a member of Synod, the Commission may appoint for that session of Synod a Commission member who is duly qualified; and
    - (ii) the Executive Director of the Commission, provided that in the case where the Executive Director is not qualified to be a member of Synod, the Commission may appoint for that session of Synod a staff member who is duly qualified.
  - (m) not more than six persons (not more than three from each Region) each qualified to be an Elector and aged no older than 30 years, who may be appointed or elected annually by the Synod or by the Archbishop-in-Council.
- (2) For the purposes of subsection (1) of this section, "licensed clergy of the diocese" shall mean persons licensed by the Archbishop to the cure of souls in a parish or assistant Clergy licensed in a parish, such persons being in priests' or deacons' orders and resident in the Diocese. This definition shall extend to a bishop, dean, archdeacon, canon, principal, vice principal and tutors in priests' or deacons' orders of a university or theological college principal of a school or chaplain or to other clergy in priests' or deacons' orders licensed to some other distinct official position in the Diocese so resident and holding the licence of the Archbishop, provided that in the case of a chaplain of a school college hospital or other institution the chaplaincy involves regular spiritual ministrations to persons therein resident or students attendant thereat. This definition shall not extend to include clergy licensed as honorary mission chaplains who would not otherwise be included in the definition.
- (3) Any member of Synod whose membership depends on election by Synod shall be entitled to remain a member for three months if the member is not elected to that office.
- (4) The failure of any parish to elect representatives in Synod shall not prevent the Synod from proceeding to the dispatch of business or invalidate any of its proceedings.
- (5) The Archbishop-in-Council may by Regulation establish procedures by which the Synod and the Council receive advice in relation to the appointment or election of the persons referred to in sub-section (1), item (n) of this section.

**Permission to attend Synod**

3. The Synod, or the Archbishop-in-Council while the Synod is not in session, may give permission for any member of the clergy and any member of the staff of the Church or of a department or agency of the Church not entitled to be a member of Synod to be present and to address the Synod but not to vote therein.

**Parish representatives**

4. Every Parish shall be entitled to be represented in Synod by two lay persons qualified to be Electors, duly elected in accordance with the provisions of the Parishes Regulation Canon.

**Additional lay members**

5. The Archbishop may with the consent of the Synod and when Synod is not in session with that of the Diocesan Council appoint from time to time other lay persons not exceeding six in all who are qualified to be Electors to be members of the Synod to hold office until the commencement of the annual session of Synod held next after the session of Synod at which or for which they shall have been appointed and in the event of the office of any member of Synod thus appointed becoming vacant may fill the same in like manner.

**Archbishop to convene Synod**

6.
  - (1) The Synod shall be constituted for successive terms each of three years during which the Synod shall meet annually for a session. Each term of the Synod shall commence on the first day of the first ordinary session and end on the commencement of the first day of the first ordinary session of the next term.
  - (2) Each annual session of Synod is called an "ordinary session"; each day of a session is called a "session day".
  - (3) The Archbishop shall convene an ordinary session of the Synod for the dispatch of business at least once in every year at such time and place as shall to him appear convenient and the Archbishop shall issue his citation not less than four weeks previous to the meeting of the said Synod to the clerical and lay members of Synod to appear at the time and place appointed.
  - (4) The election or appointment of persons to be members of Synod, unless otherwise specified in this or the other Canons, shall take place in the year of the first ordinary session of each term of the Synod.

**Special meeting of Synod**

7. The Archbishop may at his own discretion and shall at the request of two-thirds of the members of the Diocesan Council in like manner convene a special session of the Synod to consider urgent business and in citing the clerical and lay members of Synod to attend such special session of the Synod the Archbishop shall state the business to be then brought forward but it

shall not be competent at such special session to enter upon the consideration of any business except such as is stated in the citation without the consent of the Archbishop and two-thirds of each house present.

### **Quorum**

8. The presence of the President ten licensed Clergy and twenty lay members of Synod shall be necessary to constitute a quorum of the Synod for the due exercise of the powers vested in it.

### **Canons and resolutions to be made with the assent of the Archbishop, Clergy, and Laity**

9. Every Canon and Resolution of the Synod shall be made with the assent of the President and a majority of the Clergy and Laity in Synod assembled and such assent shall be deemed to have been given thereto in accordance with the provisions of the Constitution when the Canon or Resolution shall have been passed by the Synod in manner following that is to say:-

The votes of the Clergy and Laity shall unless required to be taken separately as hereinafter provided be taken collectively and any Canon or Resolution passed by a majority of the votes of the Clergy and Laity so taken shall when assented to in writing by the President be deemed to have been duly passed by the Synod.

Provided that on the request of the President or any three of the Clergy or three of the Laity the votes of the Clergy and Laity shall be taken separately and in that case the assent of the President and a majority of the Clergy and a majority of the Laity shall be requisite to the passing of such Canon or Resolution.

The President may give his assent or dissent to the passing of a Canon at any time within 30 days of the last day of the session of Synod at which assent was given by the Clergy and Laity, failing which the assent of the President will be deemed not to have been given. The day on which the President gives his assent is reckoned as the day on which the Canon is duly made and passed by the Synod.

### **Declaration of submission to Synod to be signed by Archbishop, Clergy, and Laity**

10. No Archbishop nor any member of the Clergy or Laity shall take any part in the proceedings of the Synod until the Archbishop or member of the Clergy or Laity shall have signed the declaration required to be subscribed respectively by the provisions of the Constitution but it shall not be necessary for any Archbishop or member of the Clergy or Laity who shall have already subscribed to such declaration to again sign or declare thereto unless called upon to do so as next hereinafter provided.

Provided that in the event of the document containing any such declaration being lost mislaid or destroyed the Archbishop and any such member of the Clergy or Laity shall when required so to do by the Registrar of the Diocese again subscribe to such declaration.

**Election of Treasurer, Chairman of Committees, etc.**

11. (1) There shall also be elected at the first ordinary session of each term of the Synod from its members a Chairman of Committees and such other officers as may be necessary for the due conduct of the business thereof.
- (2) Notwithstanding the provisions of any other Canon, the election of the Chairman of Committees and other officers as aforesaid shall be by resolution of Synod.
- (3) Every officer elected under the provisions of this section shall continue in office until the appointment of a successor to such office.
- (4) If the Chairman of Committees is temporarily absent or unable temporarily to perform the duties of office the Synod or if the Synod be not in session the Archbishop-in-Council may appoint an acting Treasurer or Chairman of Committees who shall hold office at the pleasure of the Synod or the Archbishop-in-Council.

**Chairman of Committees, etc., to perform duties directed by Standing Orders**

12. The Chairman of Committees and such other officers elected as aforesaid shall perform such duties as are required or directed by the Standing Orders or any Canon or Resolution of the Synod.

**Temporary successors to be appointed by Archbishop-in-Council**

13. In the event of the office of the Chairman of Committees becoming vacant when the Synod shall not be in session the Archbishop-in-Council shall elect a suitable member of Synod to fill that office who shall hold the same until the next session of Synod when a new Treasurer or Chairman of Committees shall be elected.

**Standing Orders**

14. The Standing Orders which shall from time to time be made by the Synod for the ordering of its own proceedings shall continue in force until other regulations are made in lieu thereof.

**Contribution in arrear**

15. In case of default in payment of the amount of the Contribution set out in a Schedule of Parish Contributions adopted by Synod no lay representative for the defaulting parish shall be allowed to speak unless the representative be an Officer of the Synod or vote during any sitting of the Synod until the General Manager shall have reported that all Contributions payable by such defaulting parish have been paid.

**Seal of the Synod**

16. (1) The seal of the Synod shall be in the custody of the General Manager. It may be affixed by the General Manager or such other persons approved by the Diocesan Council but only in pursuance of a resolution of the Synod, of the Diocesan Council or of the Financial Services Commission, or under authority delegated by any of those bodies.
  - (2) If at any time there is no General Manager or other person approved under sub-section 1, or the General Manager and all such persons are unable to act, the seal may be affixed by a person appointed by the Diocesan Council or the Financial Services Commission for that purpose.
  - (3) The person or persons affixing the seal must sign the instrument to which the seal is affixed.
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**NOTES**

1. The *Synod Canon* is part of Schedule 2 of the *Consolidating Canon 1990* [assented to: 12 June 1990].
2. By the *Records and Archives Canon 1992* [assented to: 25 June 1992] - Secs 18 and 19 were repealed.
3. By the *Diocesan Advisers Canon 1995* [assented to: 19 June 1995] - Secs 2, 3 and 5 were amended.
4. By the *Triennial Synod Canon 1998* [assented to: 20 June 1998] - Secs 2, 5, 6, 11 and 14 were amended.
5. By the *Deputy Chancellor Canon 2003* [assented to: 28 June 2003] - Sec. 2 was amended.
6. By the *Youth Synod Canon Repeal Canon 2003* [assented to: 28 June 2003] - Sec. 2 was amended.
7. By the *Diocesan Governance Canon 2004* [assented to: 20 June 2004, Schedule 2 Part E in operation: 1 October 2004] - Sec. 2 was amended.
8. By the *Synod Canon Amendment Canon 2005* [assented to: 18 June 2005] - Sec. 9 was amended.
9. By the *Diocesan Governance Canon Miscellaneous Amendments Canon 2005* [assented to: 18 June 2005] - Sec. 16 was amended.
10. By the *Synod Canon Amendment Canon 2007* [assented to: 24 June 2007] - Sec. 2 was amended.

11. By the *Synod Canon Amendment Canon 2010* [assented to: 19 June 2010] –  
Sec. 2(1) was amended.
  
12. By the *Treasurer (Abolition of Office) Canon 2013* [assented to: 22 June 2013] –  
Secs 2, 11, 14, 16 and 17 were amended.  
Sec 12 was repealed and subsequent sections renumbered.

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Anglican Church of Australia - Diocese of Brisbane

## **TRIBUNAL CANON**

### **A Canon providing for trial by way of Tribunal.**

#### **PART I - PRELIMINARY**

1. (1) This Canon may be cited as the "Tribunal Canon".
  - (2) The repeal of The Tribunal Canon 1971-1982 shall not affect any investigation trial proceeding or remedy in respect of any right privilege obligation liability penalty forfeiture sentence or punishment and any such investigation trial proceeding or remedy may be instituted continued or enforced and any such penalty forfeiture sentence or punishment may be imposed as if this Canon had not been made.
  - (3) Any appointment or election of members of the Board of Enquiry and any election of members of the Panel of Triers made or held under the provisions of The Tribunal Canon 1971-1982 shall be deemed to have been made or held under the provisions of this Canon for the purposes of this Canon.
2. This Canon is divided into Parts as follows:-

Part I	- Preliminary (Sections 1 - 3)
Part II	- Charges (Sections 4 - 9)
Part III	- The Board of Enquiry (Section 10)
Part IV	- Procedure as to Charges (Sections 11 - 18)
Part V	- Diocesan Tribunals (Sections 19 - 20)
Part VI	- The Trial (Sections 21 - 28)
Part VII	- Decision, Recommendation and Sentence (Sections 29 - 38)
Part VIII	- Appeal (Section 39)
Part IX	- Records (Sections 40 - 42)
Part X	- Suspension (Section 43)
Part XI	- Miscellaneous (Sections 44 - 47).
3. (1) In this Canon unless the context or subject matter otherwise requires or indicates:

"Accused" means a Person to whom this Canon applies against whom a Charge is made;

"Accuser" means a person who makes a Charge and where a Charge is made by more than one person "the Accuser" means "each of the Accusers";

"the Advocate" means the Advocate of the Diocese appointed pursuant to this Canon;

"the Appellate Tribunal" means the appellate tribunal constituted by and under the Constitution of the Anglican Church of Australia;

- "the Board" means the Board of Enquiry constituted as provided by this Canon;
- "Ceremonial" includes ceremonial according to the use of the Church and also the obligation to abide by such use;
- "Certificate of Conviction" means a certificate of conviction given under section 72 of the Criminal Practice Rules 1999, or an equivalent document from any Court of competent jurisdiction certifying as the conviction of the Accused.
- "Charge" means a charge made pursuant to this Canon;
- "the Church" means the Anglican Church of Australia;
- "Diocesan Tribunal" or "Tribunal" means a diocesan tribunal constituted as provided by this Canon;
- "Discipline" includes the rules of the Church and the rules of good conduct;
- "Doctrine" means the teaching of the Church of any question of Faith;
- "Faith" includes the obligation to hold the Faith;
- "Incumbent" means an incumbent as defined by the Benefices Avoidance Canon of the Diocese as amended from time to time or any Canon (as amended from time to time) replacing that Canon;
- "Licence" means a licence under seal of the Archbishop;
- "Licensed" has a meaning corresponding with that of Licence;
- "Offence" means any of the following:-
- (a) breach of Faith Ritual Ceremonial or Discipline,
  - (b) unchastity,
  - (c) drunkenness,
  - (d) habitual or wilful neglect of ministerial duty after written admonition in respect thereof by the Archbishop,
  - (e) wilful failure to pay just debts,
  - (f) conduct whenever occurring:
    - (i) which would be disgraceful if committed by a Member of the Clergy, and



- (ii) which at the time the charge is preferred is productive or if known publicly would be productive of scandal or evil report,
- (g) absence of any Licensed Member of the Clergy from that person's cure parish or office without leave in writing of the Archbishop,
- (h) wilful contravention or violation of the provisions of the Constitution Canons Rules or Regulations of the Synod;
- (i) conviction of a criminal offence that is punishable by imprisonment for twelve months or upwards;

"Person to whom this Canon applies" means a person Licensed by the Archbishop or any other person in holy orders resident in the Diocese;

"Ritual" includes rites according to the use of the Church and also the obligation to abide by such use.

- (2) In this Canon a reference to Faith includes a reference to Doctrine.
- (3) In this Canon a reference to schedule is a reference to a schedule to this Canon and a reference to a section is a reference to a section of this Canon.

## PART II - CHARGES

- 4. (1) A Charge that the person has committed an Offence may be made as provided by this Canon against any Person to whom this Canon applies.
- (2) Every Charge so made shall be dealt with as provided by this Canon.
- 5. A Diocesan Tribunal shall also have and always be deemed to have had jurisdiction to hear a charge relating to an offence of unchastity, an offence involving sexual misconduct or an offence relating to a criminal offence that is punishable by imprisonment for twelve months or upwards, in respect of a Member of Clergy if:-
  - (a) the act of the Member of Clergy which gave rise to the charge occurred in the Diocese;
  - (b) the Member of Clergy was licensed by the Bishop of the Diocese or was resident in the Diocese within two years before the charge was laid; or
  - (c) the Member of Clergy is in prison as a convicted person at the time the charge was laid, but within two years before such imprisonment was licensed by the Bishop of the Diocese or was ordinarily resident therein.
- 6. (1) A Charge of breach of Faith Ritual or Ceremonial may be made:-
  - (a) against an Incumbent of a Parish with reference to an Offence alleged to have been committed within that parish only by-

- (i) a person appointed by the Archbishop, or
      - (ii) any five adult communicant Members of the Church who are both resident within the Diocese and also bona fide Parishioners of that Parish;
    - (b) in any other case - only by -
      - (i) a person appointed by the Archbishop, or
      - (ii) any five adult communicant Members of the Church who are resident within the Diocese.
  - (2) A Charge of an Offence other than breach of Faith Ritual or Ceremonial may be made by -
    - (a) the Archbishop of his own mere motion, or
    - (b) a person appointed by the Archbishop, or
    - (c) any other adult communicant Member of the Church resident within the Diocese.
- 7.
- (1) Every Charge shall be made by written instrument in or to the effect of the form set forth in Schedule 1 signed by the Accuser. Accusers may sign separate instruments and the separate instruments shall be read together.
  - (2) Every Charge shall be accompanied by all documents therein referred to as attached.
  - (3) Every Charge shall be presented by the Accuser to the Registrar and every Charge not made by the Archbishop shall forthwith be presented (together with all documents attached thereto) by the Registrar to the Archbishop.
- 8.
- (1) This section shall apply only where the Charge is a Charge of breach of Faith Ritual or Ceremonial and is not made by a person appointed by the Archbishop.
  - (2) When the Charge is presented to the Archbishop he shall by whatever means he shall in his absolute discretion think fit determine whether the Charge is made by persons who in number and qualification fulfil the appropriate requirements of sub-section (1) of Section 6.
  - (3) If the Archbishop determine that the Charge is not so made he shall cause the Charge to be returned to the person who presented it to the Registrar and shall cause each of the persons who made the Charge to be given notice in writing of his determination and of the reason therefor and no further action shall be taken under this Canon with respect to that Charge unless and until it is made by persons who in number and qualifications fulfil the appropriate requirements of sub-section (1) of section 6 and within the time specified by section 5.

9. A Charge shall on its mere production before the Board (or a Diocesan Tribunal) be prima facie evidence of the truth of the declarations made in it in accordance with paragraph 5 of the form set forth in Schedule 1.

### PART III - THE BOARD OF ENQUIRY

10. (1) There shall be a Board of Enquiry constituted as hereinafter provided.
- (2) The Board shall consist of seven members - namely a chairman three Clergy and three lay persons all of whom shall be members of the Synod.
- (3) At the first ordinary session of each term of the Synod the Archbishop shall appoint one person to be the chairman of the Board and one clerical and one lay person to be members of the Board, and the Synod shall elect two clerical and two lay persons to be members of the Board.
- (4) Subject to sub-section 5 of this section the members of the Board shall hold office until their successors are appointed.
- (5) The office of a member of the Board shall ipso facto be vacated if that member -
- (a) ceases to be a member of Synod, or
  - (b) resigns from the office, or
  - (c) refuses or neglects to act in the office, or
  - (d) becomes in the opinion of the Archbishop incapable of acting in the office and is given notice accordingly in writing by the Archbishop, or
  - (e) is charged under this Canon with an Offence, or
  - (f) is otherwise disqualified under the Canons.
- (6) Notwithstanding any provision in any other Canon if the office of a member of the Board is vacated pursuant to sub-section 5 of this section the Archbishop may appoint to be a member of the Board a member of the Synod in place of that member (but may appoint only Clergy in place of Clergy and only lay persons in place of lay persons).
- (7) A quorum of the Board shall be three members namely -
- (a) the chairman
  - (b) one of the Clergy
  - (c) one of the laity

provided that each of the two members other than the chairman shall (to the extent to which the operation of any of sub-section (5) and (6) of this section does not otherwise require) be a member elected by the Synod.

## PART IV - PROCEDURE AS TO CHARGES

11. (1) The Archbishop shall refer to the Board every Charge of breach of Faith Ritual or Ceremonial and all documents attached thereto and the Board shall without the necessity of hearing any person decide whether or not to allow it as a Charge proper to be heard and shall inform the Archbishop of its decision.
- (2) The Archbishop shall as to every Charge which is neither -
  - (a) a Charge of breach of Faith Ritual or Ceremonial, or
  - (b) a Charge made by the Archbishop of his own mere motionwithout the necessity of hearing any person decide whether or not to allow it as a Charge proper to be heard.
12. If the Board or the Archbishop as the case may be decides pursuant to section 11 not to allow a Charge as a Charge proper to be heard the Archbishop shall cause the Accuser to be given notice in writing accordingly and the Charge shall be returned to the Registrar and no further action shall be taken under this Canon with respect to that Charge.
13. (1) A Charge which the Board or the Archbishop as the case may be decides pursuant to section 11 to allow as a Charge proper to be heard shall be dealt with as provided in the sections of this Canon which succeed this section and those sections shall apply only to such Charge.
- (2) A Charge made by the Archbishop of his own mere motion shall be deemed to be a Charge which the Archbishop decides pursuant to section 11 to allow as a Charge proper to be heard.
14. The Archbishop shall cause to be served on the Accused within one month of a Charge being presented to the Registrar -
  - (a) a copy of the Charge and of each document attached thereto and
  - (b) a notice in writing requiring the Accused to reply in writing to the Charge within twenty-one days from the date of the notice unless the Charge is one referred to in section 16(1)(c) in which case the notice need not be given.
15. (1) If desirous of doing so the Accused may in reply -
  - (Case A): where one Offence only is charged - admit the commission of that Offence and submit as prescribed.
  - (Case B): where two or more Offences are charged - admit the commission of each of those Offences and submit as prescribed.
- (2) In sub-section (1) of this section "submit as prescribed" means "submit without further proceedings to such judgment and sentence as the Archbishop shall think fit to pronounce in respect of the Offence (or Offences, as the case may be) the commission of which the Accused admits".

16. (1) This section shall apply in the following cases only:
    - (a) Case A of section 15
    - (b) Case B of section 15.
    - (c) Where a Charge alleges conviction of a criminal offence that is punishable by imprisonment for twelve months or upwards, and the Charge is accompanied by a Certificate of Conviction.
  - (2) The Archbishop shall cause the Accused and the Accuser to be given notice in writing -
    - (a)
      - (i) that if either section 16(1)(a) or 16(1)(b) apply, the Accused having admitted the commission of the Offence (or as the case may be, each of the Offences) charged and having submitted as provided by section 15, the Archbishop intends to pronounce a judgement and sentence at the time and place specified in the notice; and
      - (ii) if section 16(1)(c) applies, that the Offence referred in the charge having been established by the Certificate of Conviction, the Archbishop intends to pronounce judgement and sentence at a time and place specified;
    - (b) that all persons who so desire may then be present;
    - (c) that the Accused will then be given opportunity to show cause and if the Accused so desires to be heard in excuse or mitigation or both before judgment and sentence are pronounced and may in the meantime make to the Archbishop written representations in excuse or mitigation or both.
  - (3) Subject to giving the Accused opportunity to show cause and to hearing the Accused at the time and place specified in the notice if the Accused wishes to be heard in excuse or mitigation or both the Archbishop shall pronounce judgment and sentence either then or there or subsequently at a time and place of which he shall cause the Accused and the Accuser to be given notice beforehand orally or in writing.
  - (4) The Archbishop may in addition to pronouncing sentence suspend the operation of the sentence. If he does so and if the operation of the sentence remains suspended for a period of two years that sentence shall thereafter have no operation. Every sentence shall if its operation is not suspended commence to operate immediately it is pronounced.
  - (5) When in a case to which this section applies the action prescribed by this section has been taken no further action other than that which may be required by sections 38, 40 and 41 shall be taken under this Canon with respect to the Charge.
17. (1) Subject to Section 16 -
    - (a) the Accused shall be tried by a Diocesan Tribunal;

- (b) the Archbishop shall appoint an Advocate of the Diocese who shall be a communicant Member of the Church and a barrister or solicitor of the Supreme Court of Queensland, who shall prosecute the Charge;
  - (c) the Archbishop shall send to the Advocate the Charge, all documents therein referred to, a copy of the notice referred to in section 14 and the reply (if any) of the Accused and the Advocate shall thereupon prepare Articles of Accusation and send them and the Charge to the Registrar.
- (2) Articles of Accusation shall (in a separate Article for each Offence if more than one Offence is charged) with reasonable particularity specify every Offence charged and the time, place and circumstances thereof.
18. On receiving the Articles of Accusation the Registrar shall cause to be served -
- (a) upon the Accuser and the Accused - copies of the Articles of Accusation;
  - (b) upon the Accused - a citation to appear (at such time not less than fourteen nor more than forty days from the date of citation and at such place as shall be specified in the citation) before a Diocesan Tribunal to answer the Articles of Accusation;
  - (c) upon the Accuser - a copy of the citation;
  - (d) upon the Accuser and the Accused - notices in writing requiring them to procure the attendance before the Tribunal of such witnesses as they may severally desire for the purpose of accusation or defence.

#### PART V - DIOCESAN TRIBUNALS

19. (1) At the first ordinary session of each term of the Synod there shall be elected eight members of Synod to be a Panel of Triers.
- (2) Of the said eight members four shall be Clergy elected by the members of the house of clergy and four shall be lay elected by the members of the house of laity.
- (3) No member of the Board of Enquiry shall be eligible to be a member of the Panel of Triers.
- (4) Subject to sub-section 5 of this section the members of the Panel of Triers shall hold office until their successors are appointed.
- (5) The office of a member of the Panel of Triers shall ipso facto be vacated if that member -
- (a) ceases to be a member of the Synod, or
  - (b) resigns the office, or
  - (c) refuses or neglects to act in the office, or

- (d) becomes in the opinion of the Archbishop incapable of acting in the office and is given notice accordingly in writing by the Archbishop, or
  - (e) is charged under this Canon with an Offence, or
  - (f) is otherwise disqualified under the Canons.
- (6) If at any time so many vacancies have occurred that a Diocesan Tribunal cannot be duly constituted for a trial which in the opinion of the Archbishop should be commenced before the first ordinary session of the next term of the Synod any or all of the vacancies may be filled in accordance with the Canons for the duration only and for the purposes only of that trial.
20. (1) A Diocesan Tribunal shall be constituted for the trial of an Accused so long as it consists of the following members –
- (a) the President,
  - (b) not less than two of the clerical members of the Panel of Triers, and
  - (c) not less than two of the lay members of the Panel of Triers.
- (2) The President shall be appointed by the Archbishop.
- (3) The President must be a person qualified to be a lay member of the Appellate Tribunal in accordance with the provisions of section 57(1) of the Constitution of the Anglican Church of Australia.
- (4) The President shall preside over the trial. If the President is not present then the Archbishop may appoint another person qualified under the requirements of section 20(3) as the President for the trial.
- (5) If after the commencement of a trial a member of the Tribunal ceases to hold office by reason of sub-section (4) of section 19 and otherwise than by reason of sub-section (5) of section 19 and is not re-elected to the Panel of Triers, that member shall nevertheless continue to be a member of that Tribunal (but for the purposes only of that trial) and the Tribunal shall not by reason of that member's ceasing to hold office be deemed not to be duly constituted for those purposes.
- (6) If after the commencement of a trial a member of the Tribunal ceases to hold office by reason of sub-section (5) of section 19 that member shall ipso facto cease to be a member of the Tribunal.
- (7) The Archbishop is ineligible to be a member of the Panel of Triers or a Diocesan Tribunal. A person who is a member of the Panel of Triers or a Diocesan Tribunal shall cease to hold that office on becoming the Archbishop.

## PART VI - THE TRIAL

21.
  - (1) A Diocesan Tribunal shall assemble at the time and place appointed in the citation. Each member shall make the declaration set forth in Schedule 2. The trial shall then be commenced by the President causing the Accused to be summoned to appear before the Tribunal.
  - (2) The Accused may appear in person or by counsel or solicitor or (if charged with breach of Faith Ritual or Ceremonial) by a person in holy orders.
  - (3) If the Accused does not appear the trial may upon proof of due service of the citation upon the Accused proceed in the absence of the Accused to hearing and decision and the Archbishop may pronounce sentence.
  - (4) If the Accused appears or if the trial proceeds as aforesaid with the Accused absent the President shall then read or cause to be read the Articles of Accusation.
  - (5) The Accused (if appearing) shall then be called upon to plead to each Article and the plea or pleas shall be recorded. If the Accused neglects or refuses to plead to any Article a plea of not guilty to that Article shall be entered on behalf of the Accused.
  - (6) If the Accused does not appear and the trial proceeds as aforesaid with the Accused absent a plea of not guilty to each Article shall be entered on behalf of the Accused and the trial shall proceed as far as possible in the same manner as if the Accused had appeared and had so pleaded.
22. The Tribunal may during the trial permit amendment of the Articles of Accusation upon such terms (if any) as it thinks fit.
23.
  - (1) Witnesses shall be examined on oath or affirmation and each before giving evidence shall make the declaration oath or affirmation set forth in Schedule 3. The evidence of each witness shall be reduced to writing and signed by the witness.
  - (2) The rules of evidence prevailing and in force in the Supreme Court of Queensland, including provisions relating to judicial notice proof and admissibility contained in State or Federal Acts of Parliament shall so far as is practicable apply in a trial and for the purposes of the application of those rules and provisions a Tribunal and a trial shall be taken to be respectively a court and a legal proceeding.
24.
  - (1) The Archbishop and the Chancellor (or the Deputy Chancellor if the Chancellor is unable to act or there is a vacancy in the office of Chancellor) may from time to time in writing signed by them make and alter rules for the conduct of trials before Diocesan Tribunals. All rules and alterations so made shall be laid before the next succeeding session of the Synod and shall unless and until disallowed by the Synod have the force of a Canon of the Synod.
  - (2) Subject to any rules so made and to the provisions of this Canon the Tribunal shall so far as is practicable follow the procedure of the Supreme Court of Queensland.
25. The case against the Accused shall be conducted before the Tribunal by the Advocate.



26. The President shall determine all questions arising during the trial which are questions of law or questions of the admissibility of evidence.
27. In any trial where an issue is whether there has been a breach of Doctrine -
  - (a) the opinion of experts shall be admissible as to -
    - (i) the principles of the Doctrine
    - (ii) whether on the facts there has been a breach of the Doctrine;
  - (b) the Tribunal shall determine what are the principles of Doctrine that are applicable;
  - (c) the Tribunal shall determine whether on the facts there has been a breach of the principles so determined.
28. The proceedings of a Tribunal shall be attended by the Registrar as an officer of the Tribunal and shall be open to the public provided that the President at any stage of the proceedings may order they shall be held in private by reason of their subject matter or the misconduct of the audience or for any other reason he may in his absolute discretion think fit.
- 28A. (1) In any proceeding before a Tribunal, the Tribunal shall admit as evidence that a person charged has been convicted of an offence, and proof of such conviction shall be evidence of the facts giving rise to such conviction. This provision shall not apply if such conviction has been quashed or set aside or in respect of which a pardon has been given.
- (2) In any proceedings before a Tribunal, the transcript of any criminal proceedings in which the Member of Clergy the subject of a charge before the Tribunal was a party shall be admitted as evidence in the same way as if the persons whose evidence appears in the transcript had given evidence in person before the Tribunal, provided that, the Tribunal may exclude the whole or any part of such evidence should it consider that admission of the same would be likely to cause a serious injustice to the Member of Clergy charged.

#### PART VII - DECISION, RECOMMENDATION AND SENTENCE

29. After due examination and hearing of the case and after due deliberation the Tribunal shall decide the issue as to each Offence alleged and if it decides that the Accused is guilty of any Offence shall make such recommendations as it thinks just in the circumstances but shall not recommend any sentence other than one or more of the following, that is to say, monition suspension from office expulsion from office deprivation of rights and emoluments appertaining to office deposition from holy orders.
30. Each member of the Tribunal shall have one vote as to its decision. If the votes of the Tribunal on an issue are equally divided, the issue shall be deemed to have been decided in favour of the Accused.

31. A recommendation made by the Tribunal shall be that recommendation (if any) which is supported by the greatest number of votes of members. Each member of the Tribunal shall have one vote and the President shall in addition to voting as a member have a casting vote.
32. The President shall forthwith give the Archbishop notice in writing of the decision and the recommendation (if any) of the Tribunal.
33. Upon the decision and the recommendation (if any) of the Tribunal becoming known to the Archbishop he shall forthwith -
  - (a) if every issue has been decided in favour of the Accused - cause the Accused and the Accuser to be given notice in writing of the decisions and if the Accused so requests issue a certificate in an appropriate form under his hand and seal;
  - (b) in every other case - cause the Accused and the Accuser to be given notice in writing of the decision and recommendation (if any) of the Tribunal and cause the members of the Tribunal the Accused and the Accuser to be given notice in writing -
    - (i) that the Archbishop intends to pronounce sentence at the time and place specified in the notice,
    - (ii) that all persons who so desire may then be present,
    - (iii) that the Accused will then if the Accused so desires be heard in mitigation of sentence before sentence is pronounced and may in the meantime make to the Archbishop written representation in mitigation of sentence.
34. (1) This section applies where notice is given in accordance with paragraph (b) of section 33.
  - (2) Subject to his hearing the Accused at the time and place specified in the notice if the Accused wishes to be heard in mitigation of sentence the Archbishop shall pronounce sentence either then and there or subsequently at a time and place of which he shall cause the Accused and the Accuser to be given notice beforehand orally or in writing.
35. If the Tribunal makes no recommendation as to sentence the Archbishop shall pronounce such sentence as he thinks fit and may in the exercise of his prerogative of mercy suspend the operation of a sentence.
36. (1) The Archbishop shall give effect to any recommendation made by the Tribunal provided that if a sentence is recommended he may consult with the Tribunal and in the exercise of his prerogative of mercy -
  - (a) mitigate the sentence, or
  - (b) suspend its operation, or
  - (c) mitigate the sentence and suspend its operation.

- (2) If a sentence is recommended the Archbishop shall pronounce that sentence even though he mitigates it or suspends its operation and shall also pronounce any mitigation or suspension.
  - (3) Where a person has been found guilty of an offence by a diocesan tribunal in the exercise of its jurisdiction under Section 5, the Archbishop shall consult as to penalty with the Bishop of the Diocese by whom the person is licensed or in which the person resides at the time of the finding and no penalty may be imposed to which the latter Bishop does not express concurrence.
37. (1) If the operation of a sentence or mitigated sentence has been suspended and remains suspended for a period of two years that sentence or mitigated sentence shall thereafter have no operation.
- (2) Every sentence or mitigated sentence shall if its operation is not suspended commence to operate immediately it is pronounced.
38. (1) The Archbishop shall by writing under his hand and seal certify every sentence and every mitigation or suspension.
- (2) The certificate shall be lodged with the Registrar and a copy shall be sent to the Accused.
  - (3) This section shall apply both where sentence is pronounced after a trial and where sentence is pronounced pursuant to section 16.

#### PART VIII - APPEAL

39. (1) An appeal will lie to the Appellate Tribunal from every decision recommendation or sentence of a Diocesan Tribunal, provided that the provisions of this sub-section shall not extend to a ruling of a Tribunal of an interlocutory nature.
- (2) In no case shall an appeal lie from any determination of a Diocesan Tribunal to any provincial tribunal constituted by the Constitution of the Anglican Church of Australia.

#### PART IX - RECORDS

40. (1) The Registrar shall keep a Register of Ecclesiastical Offences in which there shall be entered in respect of every Charge which within the meaning of section 13 the Board or the Archbishop decides pursuant to section 11 to allow as a Charge proper to be heard -
- (a) the name of the Accused,
  - (b) the date on which the Charge was made,
  - (c) the names of the Accusers,
  - (d) the nature but not the particulars of each Offence charged and the date on which it was alleged to have been committed,

- (e) whether the Accused was tried by a Diocesan Tribunal or dealt with under section 16,
  - (f) if the Accused was tried by a Diocesan Tribunal - the date of the trial and the names of the members of the Tribunal,
  - (g) the judgment of the Archbishop or (as the case may be) the decision of the Tribunal as to each Offence charged,
  - (h) the recommendation (if any) of the Tribunal,
  - (i) the sentence (if any) and any mitigation or suspension of sentence and the date of pronouncement thereof.
- (2) No person other than the Archbishop and the Registrar shall have access to the Register of Ecclesiastical Offences except with the permission of the Archbishop previously given in writing.
41. (1) Whenever a Charge has been returned to the Registrar pursuant to section 12, the Registrar shall as soon as is practicable seal up in a suitable container indorsed with the name of the Accused the Charge and every document attached thereto.
- (2) Whenever a trial has been held under this Canon, the President shall cause to be delivered to the Registrar and the Registrar shall as soon as is practicable seal up in a suitable container indorsed with the name of the Accused the Charge and every document attached thereto and reply (if any) of the Accused the Articles of Accusation the transcript of evidence the record of proceedings every exhibit not directed by the Tribunal to be handed back to the party who tendered it and all records of the Tribunal.
- (3) The Registrar shall subject as hereinafter provided preserve intact in the Diocesan Register every container sealed up pursuant to this section.
- (4) No person other than the Archbishop shall have access to the contents of any container sealed up pursuant to this section except with the permission of the Archbishop previously given in writing.
- (5) The Registrar shall as soon as is practicable after the death of the Accused destroy every container and the contents of any container sealed up pursuant to this section and indorsed with the name of the Accused.
42. If access to the Register of Ecclesiastical Offences or to the contents of any container referred to in section 41 is bona fide required for the purposes of a trial under this section or an appeal or other legal proceedings, the Archbishop shall give the necessary permission and every person permitted access may at that person's own expense take or be provided by the Registrar with copies of (as the case may be) any relevant entry in the Register or any of the contents of the container but in every other case the Archbishop may in his absolute discretion give or refuse the necessary permission.

## PART X - SUSPENSION

43. (1) Where a Charge has been promoted before a Tribunal against any person Licensed by the Archbishop, the Archbishop with the concurrence of the Diocesan Council may suspend such person from the duties of office until the determination of the Charge, and may make such arrangements for the performance of the duties of the office as may be authorised by any Canon or in the absence of any such Canon as the Archbishop may deem proper.
- (2) The Archbishop may suspend a person to whom this Canon applies from the duties of office where:-
- (a) the Archbishop or some other person authorised by Canon proposes to promote a charge against the person;
  - (b) the charge will not allege a breach of faith, ritual or ceremonial; and
  - (c) the charge relates to an offence that is punishable by imprisonment for twelve months or upwards of which the person has been charged or convicted or in respect of which the Archbishop has received a report from a lay person qualified to be a member of the Appellate Tribunal of the General Synod stating that there is a prima facie case of the person having committed the offence.
- (3) Suspension under subsection (2) must be by written instrument signed by the Archbishop, served on the person to be suspended, and which states –
- (a) the intention of the Archbishop or any other authorised person to promote the charge;
  - (b) the conduct complained of; and
  - (c) the period of suspension.
- The period of suspension may not exceed 28 days from the date of service on the person to be suspended. Where –
- (d) a person has been suspended under subsection (2);
  - (e) the period of suspension has elapsed; and
  - (f) a charge has not been promoted during the period of suspension;
- no further suspension is possible under subsection (2) in relation to the conduct specified in the instrument.
- (4) If during the period of suspension referred to in subsection (2) the Archbishop or other authorised person promotes the charge the suspension of the person shall continue until the first meeting of the Diocesan Council thereafter.

- (5) The Archbishop may revoke the suspension of a person suspended by him under this section and may do so at any time during the period of suspension.
- (6) Suspension of a person from the duties of office under this section does not deprive that person of the emoluments appertaining to that office.

#### PART XI - MISCELLANEOUS

44. A certificate in writing signed by the Registrar that a person is within the meaning of this Canon a person in holy orders -
  - (a) Licensed by the Archbishop, or
  - (b) not Licensed by the Archbishop but resident in the Dioceseshall be prima facie evidence of the matters therein stated.
45. A document certified in writing signed by the Archbishop to be a true copy of a written admonition in respect of ministerial duty given by him to a person and on a date specified in the certificate shall be prima facie evidence that written admonition was given by the Archbishop to that person on that date in the terms appearing in the document.
46. Any document produced before a Diocesan Tribunal purporting to be sealed or signed by the Archbishop or signed by the Registrar shall in the absence of evidence to the contrary be deemed to be duly sealed or signed by the Archbishop or signed by the Registrar as the case may be.
47.
  - (1) Whenever it is provided by this Canon that any notice or other document shall be, or that anyone shall cause any notice or other document to be given, sent or presented to or served on any person, that provision shall be deemed to have been complied with if the notice or document is given presented to or served on that person personally or sent by prepaid registered or certified post or otherwise addressed to the person at the person's usual or last-known address.
  - (2) A notice or other document sent to any person addressed as aforesaid by prepaid registered or certified post shall be deemed to have been received by the person on the day on which the person would have received it in the ordinary course of post.
  - (3) A certificate in writing signed by the Registrar that a notice or other document has been given presented to or served on any person personally or sent to any person addressed as aforesaid by prepaid registered or certified post shall be conclusive as to the matters therein stated including any matters therein stated relating to the time date or place of post.

**SCHEDULE 1**  
(Section 7)

**FORM OF CHARGE**

1. I (or: We) (insert name or names) of (insert address or addresses) do hereby make charge that (insert name) of (address) (if appropriate add: incumbent of the parish of (name)) being a person (if appropriate add: in holy orders) licensed by the Archbishop of Brisbane (or as the case may be: being a person in holy orders not licensed by the Archbishop of Brisbane but resident in the Diocese of Brisbane) has committed the offence of (here describe the offence in accordance with the appropriate words in the definition of "offence" in section 3(1) of the Canon) in that (here give particulars of the time, place and circumstances of the offence).
2. I (or: We) have attached hereto a list showing the names and addresses of witnesses now known to me (or: us) who can give evidence relating to the said charge.
3. I (or: We) have attached hereto the documentary evidence now in our possession relating to the said charge.  
  
(or:)  
  
I (or: We) have no documentary evidence in our possession relating to the said charge.
4. I (or: We) desire that the said charge be dealt with in accordance with the Constitution of the Anglican Church of Australia and the Tribunal Canon of the Diocese of Brisbane.
5. I do (or: Each of the undersigned does) hereby solemnly and sincerely declare as follows:
  - A: I have been duly appointed by the Archbishop of Brisbane to make the said charge
  - B: (if declaration A is not appropriate):  
  
I am
    1. over the age of eighteen years (or: of the age of (number) years)
    2. within the meaning of the said Constitution a communicant member of the Anglican Church of Australia and of no Church which is not in communion with this Church and am resident within the Diocese of Brisbane (if appropriate add: and a bona fide parishioner of the parish of (name))
  - C: I do not make the said charge from any private ill-will towards the said (name) or from any improper motive
  - D: I believe the said charge to be substantially true.

Signature(s):

Date:

**SCHEDULE 2**

(Section 21)

## DECLARATION OF MEMBER OF TRIBUNAL

I do solemnly and sincerely declare that I will well and truly try the (several) article(s) of accusation now to be exhibited before me and that I will to the best of my judgment and ability find according to the evidence.

**SCHEDULE 3**

(Section 23)

## OATH OF WITNESS

The evidence which I shall give before this Tribunal will be the truth the whole truth and nothing but the truth so help me God.

## AFFIRMATION OF WITNESS

I do solemnly and sincerely affirm that the evidence which I shall give before this Tribunal will be the truth the whole truth and nothing but the truth.

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**NOTES**

1. The *Tribunal Canon* is part of Schedule 2 of the *Consolidating Canon 1990* [assented to: 12 June 1990].
2. By the *Triennial Synod Canon 1998* [assented to: 20 June 1998] -  
Secs 10 and 19 were amended.
3. By the *Tribunal Canon Amendment Canon 2002* [assented to: 23 June 2002] -
  - (a) with effect from 23 June 2002 -  
Sec. 3 was amended.  
Sec. 5 was repealed.
  - (b) with effect from 16 June 2003, being the date on which Canon 10, 1998 Constitution Alteration (Tribunals) Canon 1998 as amended by Canon 8, 2001 Constitution Alteration (Tribunals) Amendment Canon 2001 and Canon 13, 2001 Constitution Alteration (Suspension from Duties) Canon 2001 [Canons of General Synod] came into operation -  
New secs 5 and 28A were inserted.  
Secs 36 & 43 were amended.
4. By the *Deputy Chancellor Canon 2003* [assented to: 28 June 2003] -  
Secs 20 and 24 were amended.



5. By the *Tribunal Canon Amendment Canon 2008* [assented to: 22 June 2008]  
Secs 3(1) & 14(b) were amended.  
Sec 16(1)(c) was inserted  
Sec 16(2)(a) was deleted and a new section inserted.
  
6. By the *Tribunal Canon Amendment Canon 2018* [assented to: 6 October 2018]  
Secs 20(1) - (4) and 32 were replaced  
New Sec 20(7) was inserted  
Secs 26, 27(b), 27(c) and 31 were amended

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Anglican Church of Australia - Diocese of Brisbane

## **STANDING ORDERS OF SYNOD <sup>1</sup>**

### **PART A. MEETING ARRANGEMENTS**

#### **Hours of Meeting**

A.1<sup>2</sup> On the first day of each session of Synod, it shall meet at such time as is fixed in the Archbishop's Citation to Synod. Thereafter, unless otherwise ordered, the Synod shall meet daily at such times as may be notified by the Diocesan Council in the business papers sent out to members of Synod, and if the Council does not notify such times for meeting, the Synod shall meet daily at 9.00 am.

#### **Quorum**

- A.2<sup>3</sup> (1) At the time fixed for the Synod to meet, the chair shall be taken as soon as a quorum is present; but if at the expiration of half an hour there be no quorum present, the President shall adjourn the Synod either to a later hour of the same day or to the next session day.
- (2) If at any time during the progress of business there be not a quorum present as provided by the Synod Canon, the President, on any member drawing attention to the fact, shall adjourn the Synod either to a later hour of the same day, or to the next session day.

*Note: A quorum consists of the President, ten licensed Clergy and twenty lay members of Synod.*

#### **Attendance Cards**

A.3<sup>4</sup> On each session day, all members shall record their own attendance by means approved by the Diocesan Council from time to time.

#### **Sending documents and information**

A.4<sup>5</sup> Where these Standing Orders require business papers, including reports, motions and canons, to be sent or circulated to members, or the General Manager considers it expedient to provide information to members, that information may be provided to members by:

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1. On 10 June 1990 the Synod rescinded previous Standing Orders and adopted these as the Standing Orders of Synod.

2. Words added in 1999. Time amended in 2016.

3. Words deleted and other words added in 1999 and 2016.

4. Words deleted and other words added in 1999 and 2016.

<sup>5</sup> Section A.4 inserted 2016.

- (1) prepaid post addressed to the member's address on the Synod roll;
- (2) by email to an email address provided by the member for that purpose; or
- (3) if the member so nominates, an electronic means by which the member is notified the information is available to be accessed by an electronic means (e.g. being available on a website or app).

**Members providing written information**

A.5<sup>6</sup> Where these Standing Orders require a member to provide information in writing, including notices of motion and notices of amendments to motions or canons (but not nominations for elections), the member may provide that information:

- (1) in writing on paper signed by the member;
- (2) by email to an email address provided by the General Manager for that purpose; or
- (3) if the General Manager so nominates, by another electronic means.

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<sup>6</sup> Section A.5 inserted 2016.

## **PART B. OFFICERS AND RECORDS**

### **Secretaries**

B.1<sup>1</sup> A Clerical and a Lay Secretary shall be elected at the first session of each term of Synod. They shall prepare the business paper for each day's work, and shall take minutes of proceedings. They shall also prepare for publication all canons passed by the Synod. After the session all minutes, records, and other documents of the Synod shall be given into the custody of the General Manager.

### **Minutes Committee**

- B.2<sup>2</sup>
- (1) On the first day of the first session of each term of Synod, the Synod shall elect a Minutes Committee to scrutinise the minutes of each session and certify whether or not the minutes are correct.
  - (2) The Committee shall consist of no less than three and up to five members.
  - (3) Where a vacancy occurs in the Committee, the Synod shall elect a member to fill the vacancy.
  - (4) On each session day other than the first day of a session, and (subject to Standing Order B.2(5)) before the final adjournment of the session, the Minutes Committee shall report whether or not the minutes have been duly certified by the Committee to be correct and, where the minutes have been so certified to be correct, they shall be confirmed by the Synod.
  - (5) Before the final adjournment of a session, any member may move without notice that the confirmation of the minutes for the final day of the session be delegated to the Diocesan Council. If so delegated, the Diocesan Council must consider the confirmation of the minutes at its first meeting after the session has concluded and the Committee must certify the minutes at least one week before the date of that Diocesan Council meeting.

### **Timekeeper**

- B.3<sup>3</sup>
- (1) On the first day of the first session of each term of Synod, the Synod shall elect a Timekeeper. The Timekeeper shall sound a bell when a speaker has one minute remaining in which to speak, and again when the speaker's time has expired.
  - (2) The Synod may from time to time appoint a deputy to the Timekeeper.

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1. Words deleted and other words added in 1999, 2016.

2. Words deleted and other words added to sections (1), (3) and (4) in 1999 and sections (2) and (4) in 2016. Section (5) inserted in 2016.

3. Words deleted and other words added to section (1) in 1999.

### **Committee of Elections and Qualifications**

- B.4<sup>4</sup>
- (1) The Committee of Elections and Qualifications shall be elected or appointed on the first day of the first session of each term of Synod. The Committee shall consist of not more than four members of Synod, including at least one Clerical and one Lay member.
  - (2) The Committee of Elections and Qualifications shall enquire into and report upon all questions which shall be referred to them by the Synod respecting the validity of any election or return of any member (including their election to any office by the Synod) and also respecting the qualification or disqualification of any person who has been returned as a member of the Synod to be so returned or to hold an office which is elected by the Synod; and the Committee may sit if they think fit while the Synod is sitting.
  - (3) The Committee when inquiring into the matters referred to them, may receive the best evidence they can procure or which is laid before them, whether it be such as would be admitted in cases at law or not and they may reject any evidence tendered to them which they may see fit to reject.
  - (4) The Committee shall report the result of their enquiries to the Synod and shall report whether they find that the election or return of the member whose case has been referred to them is, or would be, valid, or whether the person is qualified as the case may be, whereupon it shall be competent to move forthwith without notice, or on any subsequent day, pursuant to notice, that the report be adopted.
  - (5) Upon the motion for the adoption of the report it shall be competent to substitute for it by way of amendment such resolution in respect of the matter referred to the Committee as to the Synod shall seem proper; provided that such resolution shall state distinctly that the election or return of the member is or is not valid; or that the person is qualified or disqualified to be such member or to be so elected as the case may be; and if by such resolution or by the adoption of the report, it be determined by the Synod that the member has not been, or would not be, properly elected or returned or that the person is not qualified to be a member or to be elected to an office, that person, as the case may be, shall not henceforth sit (unless re-elected) as a Member of Synod or be elected to that office, and the person's seat or office shall be declared vacant, but if the contrary be determined the person may forthwith sit in Synod or hold that office.
  - (6) No Member of the Committee of Elections and Qualifications whose case has been directed to be referred to such Committee, and is still undecided, shall sit thereon until the case shall have been finally dealt with by the Synod.
  - (7) Nothing herein contained shall prevent the Archbishop, if aware of any proceedings at any election which shall in the Archbishop's opinion invalidate the return of any member, from referring such matter for the decision of the Committee of Elections and Qualifications.

### **Acts of Synod**

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4. Words added to section (1) in 1999 and (2), (4), (5) and (7) in 2016.

- B.5 When any matter shall have received the concurrent assent of the Archbishop, the Clergy, and the Laity, it shall be so recorded in the minutes of the proceedings of the Synod; and a copy of every canon, duly authenticated by the President, shall be preserved in the manner provided for in the Standing Orders.

## **PART C. ORDERING OF BUSINESS**

### **Order of Business on the first day of an ordinary session**

- C.1<sup>1</sup> The order of business on the first day of an ordinary session of Synod shall be as follows -
- (a) Proceedings opened with prayer by the President or the President's Chaplain.
  - (b) Election of Secretaries if required by Standing Order B.1.
  - (c) The President's Inaugural Address unless the Synod or the Diocesan Council transfers this matter to another time.
  - (d) Election of Chairman of Committees if required by the Synod Canon.
  - (e) Appointment of Committee of Elections and Qualifications if required by Standing Order B.4(1).
  - (f) Appointment of Minutes Committee if required by Standing Order B.2(1).
  - (g) Appointment of Timekeeper (and Deputy Timekeeper if required) if required by Standing Order B.3(1).
  - (h) Notice is given of the closing time for nominations of members of the Diocesan Council and other offices as required by Canon. (Nominations to be made before the time specified in Standing Order F.2.)
  - (i) Reports of the Diocesan Council and all other Reports shall be noted as having been tabled
  - (j) Petitions.
  - (k) Notices of Questions and Motions.
  - (l) Call over of Notices of Motion on supplementary business paper for approval to include.
  - (m) Call over of business paper and taking of formal motions.
  - (n) Motions of which previous notice has been given.

### **Order of Business on the second day of an ordinary session**

- C.2<sup>2</sup> The order of business on the second day of an ordinary session of Synod shall be as follows -
- (a) Proceedings opened with prayer by the President or the President's Chaplain.
  - (b) The confirmation of the minutes of the previous day's business.
  - (c) Notice is given of the closing time for nomination of members of the Diocesan Council and other offices as required by Canon. (Nominations to be made before the time specified in Standing Order F.2.)
  - (d) Petitions.
  - (e) Notices of Questions and Motions.

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1. Item (i) - words added in 1991. New item (j) added in 1993 and subsequent items relettered. Item (n) deleted in 1996 and subsequent item relettered. In 1999: words in heading and item (i) deleted and other words substituted; words added to line 1 and items (b), (d), (e), (f), (g) and (h). Item (c) – words added in 2007. Item (i) – words deleted in 2007. Item (e) deleted and subsequent items relettered in 2013. Items (a) and (h) - words deleted and added 2016. Item (k) deleted and substituted by item (i), item (i) deleted and substituted by item (l) and item (m) inserted, with consequent re-lettering in 2016.

2. Item (f) - words deleted and other words substituted in 1991. New item (c) added in 1993 and subsequent items relettered. In 1999: words in heading and items (b), (g) and (i) deleted and other words substituted, words added in line 1. Item (g) – words deleted in 2007. Items (a) and (h) - words deleted and added 2016. Item (g) deleted and substituted by item (c), item (c) deleted and substituted by item (f) and item (d) deleted and substituted by item (g) in 2016.

- (f) Call over of Notices of Motion on supplementary business paper for approval to include.
- (g) Call over of business paper and taking of formal motions.
- (h) Consideration of Report of the Diocesan Council, the Diocesan Accounts, Reports of Commissions appointed under the Diocesan Governance Canon, the Report of the Cathedral Chapter and such other Boards and Committees as requested by Synod under Standing Order C.4(2).
- (i) Canons (if any) - Consideration of General Principles, Committee Stage and Passing (these proceedings may take place on either the second or subsequent session days.)
- (j) Motions of which previous notice has been given.

### **Order of Business on the third & subsequent days of an ordinary session**

C.3<sup>3</sup> The order of business on the third and subsequent days of an ordinary session of Synod shall be as follows -

- (a) Proceedings opened with prayer by the President or the President's Chaplain.
- (b) The confirmation of the minutes of the previous day's business.
- (c) Petitions.
- (d) Notices of Questions and Motions (except on last day of a session).
- (e) Call over of Notices of Motion on supplementary business paper for approval to include.
- (f) Call over of business paper and taking of formal motions.
- (g) Canons (if any) - Consideration of General Principles, Committee Stage and Passing (where the Canon has not been considered on a previous day of meeting).
- (h) Motions of which previous notice has been given.
- (i) Election of Diocesan Council and other offices (on the third day of the session as required by Canon).
- (j) On the last day of a session of Synod before the final adjournment the minutes of that day's business are to be confirmed or the confirmation of the minutes is to be delegated to Diocesan Council under Standing Order B.2(5).

### **Consideration of Reports and Accounts**

- C.4<sup>4</sup>
- (1) At each ordinary session Synod shall consider separately the Reports of the Diocesan Council, the Cathedral Chapter, the Commissions appointed pursuant to the Diocesan Governance Canon, and the Diocesan Accounts.
  - (2) Other Reports shall be presented but consideration will only be given at the request of Synod on a motion regarding that Report.
  - (3) If the Chair of a Commission appointed pursuant to the Diocesan Governance Canon or the Executive Director of a Commission are not members, each of the Chair and the Executive Director of the Commission may have a seat on the floor of Synod and address Synod during the presentation of the Report for that Commission:

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3. New item (c) added in 1993 and subsequent items relettered. In 1999: words in heading and items (b), (c), (f), (i) and (j) deleted and other words substituted, words added in line 1. Items (a), (h), (j) and (i) - words deleted and added 2016. Item (c) deleted and substituted by item (e) and item (d) deleted and substituted by item (f) in 2016.

4. Section (1) - words deleted and other words substituted in 1993 and in 1999. Section replaced in 2005. Section (2) deleted and subsequent item re-lettered in 2007. Section (3) and (4) inserted 2016.



- (a) if the mover consents, in lieu of the mover speaking; and
  - (b) otherwise during the debate on the motion.
- (4) Standing Order D.18 shall apply to the mover of the motion in relation to the consideration of the Report.

### **Order of Motions**

C.5<sup>5</sup> Subject to the order of business set out in the Standing Orders above, members who have given notices of motion for a session of Synod shall be called upon at that session of Synod to move the motions in the order in which the notices stand on the business paper. If the motion is not moved, it shall lapse.

### **Order of Business Committee**

- C.5A<sup>6</sup> (1) There shall be an Order of Business Committee which shall consist of the Chancellor, the General Manager, and such other persons as may be appointed from time to time by the Synod or the Archbishop-in-Council.
- (2) The Committee may meet while Synod is sitting and in the interval between sessions of Synod.
- (3) Members of the Committee appointed by the Synod or the Archbishop-in-Council shall hold office until they -
- (a) resign, or
  - (b) cease to be members of Synod, or
  - (c) are replaced by the Synod or the Archbishop-in-Council.

### **Notices of motion**

- C.6<sup>7</sup> (1) A member desirous of bringing any subject matter under the consideration of a session of Synod shall give notice in writing into the hands of the General Manager.
- (2) Where notice of motion has been duly given at least five weeks before the first day of a session of Synod, it shall be included in the business paper for that session of Synod and shall be circulated to members of Synod with other matter usually circulated beforehand.
- (3) The order in which such notices of motion are placed in the business paper shall be the order in which they have been received by the General Manager, subject to any alteration in such order made by the Order of Business Committee.

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5. Words added in 1999.

6. C.5A added in 1993.

7. New C.6 substituted in 1993. Words deleted and other words substituted in sections (2), (4) and (7), and words inserted in section (1) in 1999. Words deleted and other words substituted in sections (2), (4) and (5)(a) in 2008. Words deleted in sections(1) and (2), word added in section (5) and words deleted and added in section (7) in 2016.

- (4) Notices of motion received by the General Manager less than five weeks before the first day of the session of Synod through to the rising of the session of Synod on the second day of the session may be included in supplementary business papers provided that a Certificate of Inclusion is given by the Order of Business Committee.
- (5) A majority of the Order of Business Committee may give a Certificate of Inclusion if, in their opinion, the motion of which notice is given meets all of the following criteria –
  - (a) notice of the motion could not reasonably have been given five weeks before the first day of the session, since the motion *either* concerns the published reports or accounts, *or* is required for the continuing activity of the administration, councils, committees or organizations of the diocese, *or* is based on events that have occurred since five weeks before the first day of the session;
  - (b) the subject matter of the motion could not be dealt with adequately by a Commission, committee, organization or officer of the diocese, but requires the attention of the Synod;
  - (c) the motion deals with a matter of such urgency that it should not be postponed.
- (6) A majority of the Order of Business Committee may give a Certificate of Inclusion if the motion of which notice is given is an expression of thanks, greetings, courtesy, congratulations or condolence and in their opinion is likely to be non-controversial.
- (7) On the first, second and third days of a session of Synod the President shall inquire from the chair, with respect to each notice of motion on the supplementary business paper, whether any member wishes to move, "That the motion be not included in the business paper". The motion must be seconded, and may be debated but will otherwise be taken forthwith.
- (8) Where a Certificate of Inclusion is not sought or given, a member may at the time appointed in the Order of Business seek leave of Synod to give notice of the motion. Leave is granted by means of a motion, which must be seconded, and may be debated.

#### **Matters relating to notices of motion**

- C.7<sup>8</sup>
- (1) The Order of Business Committee may at any time propose without notice that any motion of which notice has been duly given be set down in the business paper as an Order of the Day for a particular day and time.
  - (2) In relation to a matter of which notice of motion has been duly given, a member may move, with leave of Synod, to the following effect -
    - (a) that the motion be an Order of the Day for a particular day and time;

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8. Section (1) - words deleted and other words substituted in 1993. Words deleted and added in section (2) in 2016.

- (b) that a specified person not a member of Synod may have a seat on the floor of Synod and address Synod either:
  - (i) if the mover consents, in lieu of the mover speaking; or
  - (ii) during the debate on the motion;
- (c) that specified information or other material relating to the motion may be distributed (including electronically), provided that in the opinion of the President it is proper for such information or other material to be so distributed.

### **Motions involving expenditure**

- C.7A<sup>9</sup> (1) A notice of motion that will, if passed, result in expenditure affecting the current budget or the budget being considered at the same session shall not be included in the business paper or a supplementary business paper unless it sets out, or is accompanied by a paper setting out -
- (a) the proposed source of funding; and
  - (b) an itemized statement of expected income and expenditure that will result from the passing of the motion, being, if the expenditure will continue for more than one year, the expected income and expenditure per year.
- (2) When the Synod considers a notice of motion referred to in sub-section (1) of this Standing Order, the President shall first put the question -
- "That the Synod agree to the general principles of the motion."
- (3) When the Synod has agreed to the general principles of the motion and where the General Manager certifies that in the General Manager's opinion any net increase in expenditure in any one financial year will not exceed \$10,000 the President shall put the question -
- "That the motion be agreed to." -
- and when this motion is carried the relevant budget (if it has been agreed to by the Synod) or the relevant draft budget (as the case may be) shall be deemed to have been altered accordingly, notwithstanding a case where Standing Order C.9 may apply.
- (4) When the Synod has agreed to the general principles of the motion and where the motion has not been dealt with and determined in accordance with sub-section (3) of this Standing Order -
- (a) in the case where the motion, if passed, will affect a budget already agreed to by the Synod, the mover of the motion, or any other member with leave of Synod, may move -

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9. C.7A added in 1995. Section C.7A(3) – words deleted and other words substituted in 2013. Words deleted and added in section (5) in 2016.

"That the (relevant) budget be reconsidered by the Synod and that the (proposed expenditure) be incorporated." -

notwithstanding a case where Standing Order C.9 may apply; or

- (b) in the case where the motion, if passed, will affect a budget still to be agreed to by the Synod at the current session, the mover of the motion, or any other member with leave of Synod, may move -

"That the (relevant) draft budget be altered to incorporate the (proposed expenditure).".

- (5) When the Synod has agreed to the general principles of the motion and where the Synod has not altered the relevant budget or draft budget as provided in sub-sections (3) or (4) of this Standing Order, the motion shall be deemed to be referred to the Diocesan Council for consideration.

### **Formal motions**

C.8<sup>10</sup> At the time appointed in the Order of Business or at any other time the President considers will assist the despatch of the Synod's business, the President shall inquire from the chair, with respect to each motion of which notice has been given, whether there is any objection to its being taken as a formal motion. If no objection is taken by any member (other than the mover) the motion shall be deemed to be a formal motion, and shall thereupon take precedence over all other motions, and they shall be disposed of in the relative order in which they stand on the Business Paper. The mover of a formal motion may speak to it for no longer than two minutes, but no amendment or further debate shall be allowed on the motion, and Synod may proceed to vote on the motion.

### **Same subject not to be proposed again**

C.9 No subject which shall have been under the consideration of the Synod, and disposed of either in the affirmative or negative, shall be again brought forward during the same Session, nor shall notice of motion on any such subject be received; provided that it shall be in order for the President to receive such motion for rescission of a resolution, if notice thereof shall have been signed by at least ten members of the Synod.

### **Special Speakers**

C.10 Notwithstanding anything contained in any other Standing Order, the Diocesan Council may arrange for special speakers to be invited to address the Synod on subjects selected by the Diocesan Council and at times chosen by the Diocesan Council, provided that the total time allotted for the addresses of such speakers and the responses of members of Synod shall not exceed one and one half hours.

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10. Words deleted and other words substituted in 1993, 1999 and 2004; words inserted in 2004.

### **Petitions**

- C.11 A petition presented to Synod shall have the name of the member presenting it affixed at the beginning thereof, and the member shall state from whom it comes, its material allegations, and its prayer, and the only question that shall be entertained by the Synod on its presentation shall be "That the Petition be received".

### **Suspension of Standing Orders**

- C.12 Any Standing Order may be suspended on notice of motion to that effect, which shall state the particular Order it is proposed to suspend, and the purpose for which such suspension is required. In cases of urgency, to be determined by a majority of the members present and voting collectively, any Standing Order may in like manner be suspended without such notice, provided that ten members stand in their places to support the mover.

### **Questions**

- C.13<sup>11</sup> (1) Notice of questions requiring an answer from the President may be given on any day other than the last day of a session, and shall be given verbally in open Synod and forthwith tendered in writing by the member asking the question.
- (2) Questions shall be brief in form and shall be typed, or else written out in a fair hand.
- (3) Questions shall be relevant to -
- (a) the duties and responsibilities of the Synod, or of the councils, commissions or committees of the Diocese, or of the Archbishop, clergy or lay officers; or
  - (b) the interpretation or application of the fundamental declarations and ruling principles of the Anglican Church of Australia in relation to the church in the Diocese; or
  - (c) business which is or might lawfully be brought before the Synod.
- (4) Questions shall be so framed as not to argue a case or debate an issue, and information given in the question shall only be such as is reasonably necessary for the furnishing of an accurate and complete answer.

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11. Word deleted from section (1) in 1999 and 2016. Word added to section (3) in 2016.

## **PART D. ORDER IN DEBATE**

### **Motions not seconded**

- D.1 No motion or amendment - except in Committee - shall be put from the chair unless it be seconded.

### **No amendment on an amendment**

- D.2 Whenever an amendment is made upon any motion, no second amendment shall be taken into consideration until the first amendment shall have been disposed of. If that amendment be carried, it shall then be put as an original motion, upon which a further amendment may be moved. If the first amendment be negatived, then a further amendment may be moved to the original question, but only one amendment shall be submitted to the Synod for discussion at one time. All amendments must be relevant to the motion, and must be stated to the President before the mover speaks thereon.

### **Amendments to be in writing**

- D.3<sup>1</sup> No amendment, except of a verbal character, shall be put from the chair until a written copy thereof shall have been given to the President or the Chairman of Committees, as the case may be.

### **Right of reply**

- D.4 The mover of an original motion shall have the right of reply, and after commencing the reply, no other member shall speak on the question: provided that the mover shall not be heard in reply until the President is satisfied that a reasonable discussion has taken place. No new matter shall be introduced by the mover in reply.

### **President speaking**

- D.5<sup>2</sup> The President may take part in any discussion without leaving the chair. When the President is speaking, all other members shall be seated and continue sitting until the President finishes speaking.

### **Questions of order**

- D.6 All questions of order shall be decided by the President, whose decision shall be final, unless disagreed from by a vote of the Synod.

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<sup>1</sup> Word deleted and added in 2016.

<sup>2</sup> Words deleted and added in 2016.

**Point of Order**

D.7<sup>3</sup> A member may raise a point of order whether another member be speaking or not. Upon a question of order being raised during the speech of a member, the person against whom the question is raised shall sit; the member raising the question shall state same with brevity and without discussion or explanation, and the President shall give a decision thereon.

**The previous question**

D.8 The previous question shall mean "That the question be not now put", and shall take precedence over all amendments.

**Members to stand while speaking**

D.9 Every member, whilst speaking, shall stand and address the President, or the Chairman when in Committee.

**Time Limit**

D.10 Members shall be entitled to speak on any motion for the periods of time following, that is to say -

- (a) speakers presenting reports for consideration of Synod ten minutes; and subsequent speakers five minutes;
- (b) speakers presenting any new or amended canons twenty minutes; and subsequent speakers ten minutes;
- (c) speakers presenting private motions ten minutes; and subsequent speakers five minutes;
- (d) in Committee, speakers five minutes;

and for no longer period and on the President or Chairman intimating that the limit of time for speaking has expired the member speaking shall immediately cease speaking and sit down; provided that Synod may by resolution extend any time. Unless otherwise resolved a motion to extend time shall be deemed to be for a period of five minutes.

**President names the next speaker**

D.11 If two or more members rise to address the Synod at the same time, the President shall decide which member shall speak first.

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<sup>3</sup> Word deleted and added in 2016.

**Members to speak to the question**

D.12 The President shall confine every member to the subject-matter of debate, and shall call to order any member who shall make personal reflections upon, or impute improper motives to, another member; and it shall not be in order for any member to interrupt a speaker, except through the President. This Standing Order shall apply to motions for adjournment.

**Members to speak only once on a question**

D.13<sup>4</sup> In Synod, no member shall be allowed to speak more than once on the same question, except in explanation or as permitted by these Standing Orders; provided that a member formally seconding a motion shall not be thereby considered as having spoken to the question; and provided also that the mover of any original motion shall be allowed the right of reply.

**Committee**

D.14 In Committee of the whole Synod the chair shall be taken by the Chairman of Committees, or, if the Chairman be unable to act, by a deputy to be chosen from time to time, as occasion may require, by resolution of the Synod.

**Order in Committee**

- D.15 (1) These Standing Orders shall be observed in Committee, as in Synod, in every case for which no special provision is made.
- (2) In Committee, a member shall be allowed to speak not more than three times to each motion.

**Procedure in Committee**

D.16 In Committee, when considering a proposed canon in detail, the question shall be put on each section of the canon separately but, where no member wishes to move an amendment to two or more sections, those sections may, at the discretion of the Chairman, be put as a single question.

**Procedure in Conference**

- D.17<sup>5</sup> When the Synod meets in conference the following procedure will apply -
- (a) the subject matter discussed may include any subject matter which has been under the consideration of Synod in the same session, and the discussion of any subject matter shall not preclude further consideration of the same in Synod in the same session;

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<sup>4</sup> Words added in 2016.  
<sup>5</sup> D.17 added in 1995.



- (b) members shall be entitled to speak for five minutes; the President may extend the time for which a member may speak should the speaker so request, subject to a resolution of dissent by the Synod;
- (c) members shall be allowed to speak more than once on the same subject matter or question;
- (d) where Synod has agreed to a specified time for the meeting in conference, a member may move without notice, and without the requirement to rescind the original motion, that the conference be extended, adjourned or concluded;
- (e) any of the business of Synod except those matters dealt with in Part G of the Standing Orders [Passing of Canons] may be transacted.

### **Presentations and use of multimedia**

- D.18<sup>6</sup>
- (1) A member moving a motion of which notice has been given in accordance with Standing Order C.6(2) and who wishes in speaking to their motion to use any form of digital or electronic visual or sound display or presentation in any format whatsoever (including powerpoint slides, video, sound recordings and live internet feeds and whether displayed on screens or through individual devices) ("**presentation**"), must give a written request to do so to the General Manager at least 4 business days before the commencement of the session.
  - (2) The request must be accompanied by an electronic copy of the presentation which is capable of display in the form intended to be displayed at Synod.
  - (3) The President may give or withhold approval for the presentation to be made at Synod in the President's discretion. The General Manager will inform the member of the President's decision before the commencement of the session, but any failure to inform the member does not invalidate the President's decision.
  - (4) The approval of the President of a presentation does not alter the time limits applicable to the mover of the motion. Any presentation together with the mover's speech must not exceed the time limits in Standing Order D.10.
  - (5) Except with the leave of Synod given by motion of which notice has been given, no member may make a presentation at Synod in relation to a motion unless approved by the President under Standing Order D.18(3).

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<sup>6</sup> Section D.18 inserted in 2016.

## **PART E. DETERMINATION OF QUESTIONS**

### **Motion to be divided**

E.1 The President may divide any complicated question in submitting it to the Synod.

### **Vote taken collectively**

- E.2<sup>1</sup>
- (1) A question being put shall be resolved by the majority of voices - Aye or No. The President or Chairman of Committees shall state an opinion as to whether the Ayes or Noes have it.
  - (2) If this opinion is not agreed to, first a show of hands may be taken. The members so voting shall be counted by Tellers duly appointed by the President or Chairman of Committees. The Tellers shall then report the numbers to the President or Chairman of Committees, who shall declare them to the Synod or Committee.
  - (3) Following a vote by show of hands, or instead of it, a division shall be taken if demanded. The Ayes shall take their places on the right side of the Chair and the Noes on the left side of the Chair. The members so voting shall be counted by the said Tellers. The Tellers shall then report the numbers to the President or Chairman of Committees who shall declare them to the Synod or Committee.
  - (4) Upon the declaration of a vote taken by show of hands or by division, the President, or three Clerical or three Lay members may call for a vote by houses.

### **Vote by houses**

- E.3<sup>2</sup>
- (1) When a vote by houses is taken, it may be taken first by means of a division. In this case, the voting by each house shall be taken separately. The Ayes shall take their places standing on the right side of the Chair and the Noes on the left side of the Chair, members not entitled to vote remaining seated. The members so voting in their respective houses shall be counted by the Tellers duly appointed by the President or Chairman of Committees. The Tellers shall then report the numbers to the President or Chairman of Committees who shall declare them to the Synod or Committee.
  - (2) Following a vote by houses by means of a division, or instead of it, a vote by means of a roll call shall be taken, if demanded, in the following manner -
    - (a) One of the Secretaries shall call the roll, members answering 'Aye' or 'No', according as they wish to vote, the other Secretary, or a Teller appointed by the President or Chairman of Committees, also recording the same.

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<sup>1</sup> Words deleted and added in section (1) in 2016.

<sup>2</sup> Words deleted and added in section (3) in 2016.

- (b) A count of the members voting shall be given in writing by the Secretary or Teller to the President or Chairman of Committees who shall declare which has a majority of votes in the count, and the names, as contained in the vote by houses, shall be recorded in the minutes: provided that before the result is declared, members who had omitted to vote may rise and record a vote, or members may correct their votes if they had voted in error.
- (3) After a vote by houses is called for, the President or Chairman of Committees shall announce (immediately or at the President's or Chairman's discretion after a short time) that there will be a vote by houses, and thereafter no member shall leave the Synod, nor shall any member enter the Synod until the result shall have been declared; and during the vote by houses absolute silence shall be observed.
- (4) In Committee the Chairman shall have a casting vote in each house.

### **Electronic voting**

- E.4<sup>3</sup>
- (1) Despite any other provision of this Part E:
    - (a) the Diocesan Council may approve a method of voting using electronic or digital devices or systems and may at any time withdraw that approval;
    - (b) any vote to be taken in accordance with Standing Order E.2 will be taken first on the voices under Standing Order E.2(1);
    - (c) any other vote to be taken must be taken by using the voting method which remains approved by the Diocesan Council unless a majority of the members present and voting collectively resolve otherwise on a motion by any member (which may be given without notice), provided that ten members stand in their places to support the mover; and
    - (c) the Secretaries shall report the voting outcome produced by the voting method to the President or Chairman of Committees, who shall declare the outcome to the Synod or Committee.
  - (2) The Diocesan Council may only approve a method of voting using electronic or digital devices or systems if that method incorporates a system which:
    - (a) is capable of recording a vote for or against and of identifying the house of the voter;
    - (b) can only be accessed by members who are on the floor of Synod and has adequate security mechanisms to prevent any person who is not a member from casting a vote;
    - (c) records and tallies votes anonymously;
    - (d) is able to be audited to ensure that votes are taken in accordance with the Standing Orders.

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<sup>3</sup> Section E.4 inserted in 2016.

- (3) The President or Chairman of Committees (if the vote is in Committee) may for any vote to be taken rule that the approved method not be used if the President or Chairman of Committees (as applicable) is satisfied that the approved method may not produce an accurate voting outcome for any reason, including because of technical difficulties. In such a case, the vote will be taken in accordance with Standing Order E.2 or E.3 as applicable.

## **PART F. ELECTIONS**

### **Elections directed by Canon to be held by ballot**

F.1 The procedures set out in this Part of the Standing Orders shall apply to the elections directed by Canon to take place at Synod by ballot.

### **Nominations**

- F.2<sup>1</sup>
- (1) Persons to be elected by ballot shall be nominated on the first or second days of a session. Every nomination shall be delivered to one of the Secretaries before 4.00 p.m. on the second day of Session unless Synod otherwise resolves.
  - (2) Every nomination shall be in writing and either:
    - (a) be signed by the proposer and some other duly qualified member of Synod, and the consent of the person nominated shall have been first obtained in writing; or
    - (b) be submitted electronically by any method approved by the Diocesan Council which identifies the proposer and other duly qualified member of Synod and enables the person nominated to record their consent.

### **Information concerning persons nominated**

F.3<sup>2</sup> At the time their nominations are delivered to one of the Secretaries, information about the nominees as set out in Schedule 1 is to be given in the form required by the General Manager, signed or otherwise approved by the nominee. In all cases where an election is necessary, this information is to be accessible to members (which may be electronically or on the Diocesan website as well as on display in the Synod venue) at the same time as the ballot is being conducted. Should the information be not supplied, or supplied only in part, the nomination shall still stand.

### **Exhibition and review of nominations**

F.4<sup>3</sup> From time to time on the second day of a session the Secretaries shall prepare lists of all persons nominated, the offices to which they are nominated, and the number of persons required for each election, and shall cause such lists to be accessible to members on the Diocesan website or other electronic or digital means.

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1. New F.2 substituted in 1991. Word deleted and other words substituted in 1999 and in 2007. Words added and numbered (1) and (2) in 2016.

2. Words deleted and other words substituted in 1991 and 2016.

3. New F.4 substituted in 1991. Words deleted and other words substituted in 1999. Words deleted and other words substituted in 2007. Section (2) deleted and words deleted and added in 2016.

### **Withdrawal of Nomination**

F.5<sup>4</sup> The name of any person duly nominated may be openly withdrawn before the rising of Synod on the second day of a session with the consent of the nominee.

### **Fewer nominations than required**

F.6 Where fewer persons are nominated than the number required to be elected, the President shall have power to nominate up to the number required to be elected and the persons so nominated shall be declared duly elected.

### **General Manager to arrange ballot**

F.7<sup>5</sup> Where the number of persons nominated for any election exceeds the number required to be elected, the General Manager shall either:

- (1) cause ballot papers to be printed or otherwise prepared in the form or to the effect of Schedule 2; or
- (2) make arrangements for the conduct of the ballot electronically by any method approved by the Diocesan Council which:
  - (a) is capable of recording a vote for candidates of the voter's choice;
  - (b) can only be accessed by members who are eligible to vote on the ballot and has adequate security mechanisms to prevent any person who is not a member from casting a vote;
  - (c) records and tallies votes anonymously;
  - (d) is able to be audited to ensure that votes are taken in accordance with the applicable Canon and the Standing Orders.

### **Ballots**

F.8<sup>6</sup> The election of persons so nominated shall be on the third day of a session of Synod and the ballot shall close at 2.00 p.m. on that day unless Synod otherwise resolves. Between the hours of 10.30 a.m. (or such other time as Synod resolves) and the time set for the close of the ballot, either:

- (1) unless the ballot is being conducted electronically, ballot papers may be obtained from the General Manager or the General Manager's deputies by the members entitled to vote and the General Manager or the General Manager's deputies shall mark off on a list of

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4. Word deleted and other words substituted in 1999.

<sup>5</sup> Heading substituted, word deleted and words added, section (2) inserted in 2016.

6. Words deleted and other words substituted in 1999. Words deleted and other words substituted in 2007 and 2016. Section (2) inserted in 2016.

members entitled to vote the name of the person to whom the ballot paper has been given; or

- (2) if the ballot is being conducted electronically, the method of voting must be available for members to cast their votes.

### **Spoilt ballot papers**

- F.9<sup>7</sup>
- (1) Every person to whom a ballot paper has been issued as hereinbefore provided shall be deemed to have voted and shall not be entitled to receive another ballot paper in respect of any such election unless and until the ballot paper already issued to such person shall have been returned to the General Manager or the General Manager's deputies in a spoilt condition in which case the General Manager or the General Manager's deputies shall destroy the ballot paper first issued to such person and shall thereupon deliver to such person a fresh ballot paper in its place.
  - (2) If the ballot is being conducted electronically, a vote once cast by a member in accordance with that method is final and the member will be deemed to have voted and shall not be entitled to change that vote.

### **Tellers**

- F.10 Where any ballot for any election becomes necessary, the President shall appoint two or more tellers for each election whose duty shall be to count the votes recorded at any such ballot and to report in writing the result of any such ballot to the President as hereinafter provided.

### **Duty of voters**

- F.11<sup>8</sup>
- (1) The voter shall either mark a cross opposite the name of each candidate appearing on the ballot paper for whom the voter desires to vote or vote for each candidate for whom they wish to cast a vote in accordance with any electronic method being used for the ballot.
  - (2) The voter shall vote for not more than the number of candidates required to be elected.
  - (3) The voter shall either forthwith deposit the ballot paper in the ballot-box provided for that purpose by the General Manager or submit their vote in accordance with any electronic method being used for the ballot.

### **Informal ballot papers**

- F.12<sup>9</sup> The tellers shall reject as informal any ballot papers or electronic votes -
- (a) recording votes for a greater number of candidates than the number required to be elected; or

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<sup>7</sup> Words deleted and added, section (2) inserted in 2016.

<sup>8</sup> Words added to sections (1) and (3) in 2016.

9. Para. (b) - words added in 1993. Words added in 2016.

- (b) marked not in accordance with the provisions of these Standing Orders but where the intention of the voter is clearly expressed, and can be given effect in part or in whole without breach of any of these Standing Orders other than this paragraph, the tellers shall give such effect to the intention expressed in the ballot paper or electronic vote.

### **Counting of votes**

- F.13 At the close of the ballot the tellers shall proceed to count the votes recorded for each candidate and shall with the least possible delay report the result of such ballot to the President in the manner hereinafter provided.

### **Tellers to certify list of votes**

- F.14 In the reporting of any ballot the tellers shall in all cases prepare and certify a list containing the names of the candidates and the number of votes recorded for every candidate.

### **Casting vote**

- F.15 Where at any election two or more candidates have received an equal number of votes, the tellers shall report the result to the President who shall thereupon give a casting vote except where otherwise provided by Synod.

### **Announcement of result of ballots**

- F.16 As soon as practicable after receipt of the report of the result of any ballot the President shall announce the names of the elected candidates to the Synod and shall thereupon cause to be delivered to the Secretaries such report together with the list hereinbefore mentioned and the Secretaries shall file and keep the list in the records of the Synod.

### **Disposal of ballots**

- F.17<sup>10</sup> (1) After every election the tellers shall deliver to the General Manager all ballot papers used at any election (including all those ballot papers which have been rejected) and the General Manager shall as soon as practicable place in separate sealed packets all such ballot papers and shall keep the same in the General Manager's custody until required by the Committee of Elections and Qualifications or until they are destroyed as hereinafter provided.
- (2) If the ballot papers be not applied for or required by the Committee of Elections and Qualifications within fourteen days following the holding of any election, the General Manager shall forthwith cause all packets containing all used ballot papers to be destroyed without the said packets being unsealed.

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<sup>10</sup> Words deleted and added in sections (1) and(2), section (3) inserted in 2016.



- (3) If a ballot has been conducted electronically, the General Manager shall ensure that the voting records are securely stored. If the voting records are not applied for or required by the Committee of Elections and Qualifications within fourteen days following the holding of any election, the General Manager will cause those records to be securely deleted from storage.

## **PART G. PASSING OF CANONS**

### **Canons presented for the Diocesan Council**

G.1<sup>1</sup> The draft of any canon brought forward at the request of the Diocesan Council shall be sent to the members of Synod at least twenty-one days before a session of the Synod.

### **Canons presented by private members**

G.2<sup>2</sup> A canon to be submitted by a private member shall be endorsed by at least six members of Synod and be sent to the General Manager at least five weeks before the date fixed for a session of Synod, and shall be accompanied by a brief statement of the purpose and intention of the proposed canon. The draft canon and a copy of the accompanying statement shall be sent to the members of Synod at least twenty-one days before the session of Synod.

### **Member in charge of a canon**

G.3 In these Standing Orders, the words "member in charge of the canon" shall mean the member of Synod deputed by the Diocesan Council to present the proposed canon on their behalf, or the member of Synod who submits a private member's canon, or some other member of Synod to whom Synod gives leave to take charge of the proposed canon.

G.4<sup>3</sup> Standing Order D.18 shall apply to the member in charge of the canon and the motions under Standing Orders G.5 and G.9 relating to the canon.

### **Consideration of general principles of a proposed canon**

G.5 The general principles of the canon shall be considered on the motion -

"That the Synod agree to the general principles of the (title of canon)."

### **Questions concerning proposed Canon**

G.6 (1) After the motion referred to in Standing Order G.5 has been moved and seconded, the President shall ask if any member wishes to ask the mover or seconder any question or questions relevant to the subject matter of the proposed canon, and any member may thereupon ask any such question which may thereupon be answered by the mover or seconder.

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1. Words deleted and other words substituted in 1999. Words deleted and other words substituted in 2008 and 2016.

2. Words deleted and other words substituted in 1999. Words deleted and other words substituted in 2008 and 2016.

3. G.4 repealed 1996. New section G.4 inserted in 2016.

- (2) Further such questions may be asked and answered until the President puts the question "Whether in the opinion of the Synod sufficient time for questions has been given" and the Synod answers in the affirmative, whereupon the debate shall proceed.

### **No consideration in Committee of the whole Synod**

G.7<sup>4</sup> When the Synod has agreed to the general principles of a proposed canon, the President shall ask whether any member intends to propose an amendment to the proposed canon and, if no member present indicates any such intention, the proposed canon shall be deemed to have been considered in Committee of the whole Synod and reported without amendment by the Chairman of Committees and that report to have been adopted by the Synod, and the member in charge of the canon shall proceed in accordance with Standing Order G.9.

### **Consideration in Committee of the whole Synod**

- G.8 (1) Where the Synod has agreed to the general principles of a proposed canon, and the intention has been expressed to propose an amendment thereto, the member in charge of the canon may move:

"That consideration of the (title of canon) in Committee of the whole Synod be an Order of the Day for ...."

- (2) If the above motion is not moved, or is resolved in the negative, the President shall forthwith leave the chair, and the Synod shall resolve itself into a Committee of the whole Synod to consider the proposed canon in detail.

- (3) A proposed canon may be amended only in Committee of the whole Synod.

- (4) In Synod, when the Chairman of Committees reports that the Committee of the whole Synod had agreed to the proposed canon with or without amendment, the question "That the report of the Chairman of Committees be adopted" shall be put to Synod without motion being made, but it may be amended for the purpose of having the proposed canon reconsidered by the Committee of the whole Synod.

- (5) When the Synod has agreed to the motion mentioned in the above subsection, the member in charge of the canon may move:

"That further consideration of the (title of canon) be an Order of the Day for ....";

but if such motion be not agreed to, the member in charge of the canon shall proceed as set out in the next succeeding Standing Order.

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<sup>4</sup> Word deleted and added in 2016.

**Passing**

- G.9 The Synod having adopted the report of the Chairman of Committees that the proposed canon has been agreed to in Committee of the whole Synod, the member in charge of the canon shall move:  
"That the (title of canon) do now pass."

**Certified copy of canon**

- G.10 (1) When the Synod has passed a proposed canon, the Chairman of Committees shall certify a copy as being in accordance with that passed by the Committee of the whole Synod.
- (2) The Chairman of Committees may, before certifying a copy of a proposed Canon, make amendments of a verbal or formal nature, and correct clerical or typographical errors in any part of a proposed Canon.

**Assent to a canon**

- G.11<sup>5</sup> (1) The certified copy as hereinbefore mentioned shall be presented to the President, who shall signify the President's assent or dissent on the face of the said copy.
- (2) If the President signifies assent or dissent before the final adjournment of the session of Synod, the President shall announce the fact to the Synod. If the President's assent or dissent is given after the final adjournment, the President shall announce the fact to the next meeting of the Diocesan Council and generally within the Diocese.

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<sup>5</sup> New G.11 substituted in 2005. Words deleted and added in sections (1) and (2) in 2016.

## **PART H. SELECT COMMITTEES**

### **Select Committees to be nominated or elected by ballot**

H.1 Notices of motion for the appointment of Select Committees shall contain the names of the members proposed to serve thereon, unless the Synod determine to elect by ballot; but in every case the mover shall be a member of such Committee and shall be responsible for convening the first meeting.

### **Select Committees to consist of at least four members**

H.2 Every Select Committee shall consist of at least two Clerical and two Lay members, of whom any three shall form a quorum. The Chairman shall have a casting vote in addition to a deliberative vote.

### **Select Committees may sit when Synod is not in Session**

H.3 Any Select Committees which have not concluded before the termination of the Session the work committed to them may, by leave of the Synod, make their report to the Diocesan Council during the ensuing recess.

### **Reports of Select Committees**

H.4<sup>1</sup> The reports of Select Committees sitting during the recess shall be delivered to the Diocesan Council at least seven weeks before the next session of the Synod, and the said reports, together with the Annual Report of the Diocesan Council, shall be sent to the members of the Synod at least twenty-one days before the session of Synod.

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1. Words deleted and other words substituted in 1999. Words deleted and other words substituted in 2008. Words deleted in 2016.

**SCHEDULE 1**  
(S.O. F.3)

CLERGY

LAITY

- |   |   |
|---|---|
| (a) Age   | (a) Age   |
| (b) No. of years in Orders                              | (b) Occupation  |
| (c) Present licensed appointment                        | (c) Parish represented (if applicable). If a member of Synod by some other appointment, state nature of <i>ex officio</i> appointment |
| (d) Any other diocesan experience                       | (d) Any other diocesan or parochial experience  |
| (e) Any other relevant information (maximum of 3 lines) | (e) Any other relevant information (maximum of 3 lines)   |

**SCHEDULE 2<sup>1</sup>**  
[S.O. F.7]

*EXPLANATORY NOTE:*

*Where a definite number of Clergy and a definite number of Laity are to be elected to the same board or committee, separate ballot papers may at the discretion of the General Manager be prepared for the ballot for the Clergy and the Laity respectively.*

*[The above explanatory note will not form part of the ballot papers as printed.]*

ELECTION FOR ***Name of Board/Committee***

\_\_\_\_\_ **Members of the Clergy/Laity / Persons to be elected**

INSTRUCTIONS TO VOTERS

The voter:-

- (a) is to mark a cross against the name of each candidate for whom the voter desires to vote, and
- (b) must vote for not more than the number of candidates required to be elected, and
- (c) must return a spoilt ballot paper to the General Manager or the General Manager's deputies in order to obtain a fresh ballot paper.

LIST OF CANDIDATES

*Mark*      (*Candidates listed*)  
*Cross*     (*in alphabetical*)  
*here*       (*order by surname*)

[ ]  
 [ ]  
 [ ]

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1. New Schedule 2 substituted in 1993. Words deleted and added in 2016.

## THE CONSTITUTIONS AND CANONS ECCLESIASTICAL 1603

The General Synod has made canons which provide that certain Canons of 1603 shall have no operation or effect [insofar as they may have any force] in a diocese which adopts these General Synod canons.

**Table 1** sets out the numbers of such Canons of 1603, the General Synod canon which has dealt with them in this way, and the canon of the Diocese of Brisbane by which the General Synod canon is in force in this Diocese.

**TABLE 1**

Canon of 1603	Canon of General Synod	Canon of the Synod of the Diocese of Brisbane
62, 63, 100 to 104 inclusive	Canon No. 3, 1981	General Synod Legislation Canon [part of the Consolidating Canon 1990]
99	Canon No. 15, 1981	
113 (the proviso)	Canon No. 10, 1992	General Synod Legislation Canon Amendment Canon 1993
1 to 13 inclusive, 15, 16, 38 to 42 inclusive, 44, 48, 59, 65, 66, 71, 73, 75, 77 to 98 inclusive, 105 to 112 inclusive, 113 (other than the proviso), 114 to 141 inclusive	Canon No. 11, 1992	
17, 24, 25, 58, 74	Canon No. 19, 1995	General Synod Legislation Canon Amendment Canon 1996
14, 18, 19, 43, 45, 46, 47, 49 to 57 inclusive, 64, 67, 72	Canon No. 13, 1998	General Synod Legislation Canon Amendment Canon 1998
60, 61	Canon No. 14, 1998	
36 (except to the extent that it requires a person to be licensed by the bishop of a diocese)	Canon No. 15, 1998	
29, 30, 68, 69, 70	Canon No. 21, 1998	
127, 128	Canon No. 4, 2001	General Synod Legislation Canon Amendment Canon 2002
20, 21, 22, 23, 26, 27 and 28	Canon No. 10, 2001	
76	Canon No. 10, 2004	General Synod Legislation Canon Amendment Canon 2005



**Table 2** sets out those Canons of 1603 which have not been dealt with as above by the General Synod.

The listing of the Canons of 1603 in Table 2 should not be taken to imply that they have any force or effect in the Diocese of Brisbane.

**TABLE 2**

<b>No.</b>	<b>Title</b>
31	Four solemn Times appointed for the making of Ministers
32	None to be made Deacon and Minister both in one day
33	The Title of such as are to be made Ministers
34	The Quality of such as are to be made Ministers
35	The Examination of such as are to be made Ministers
37	Declaration and Subscription before the Diocesan

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